

TAB 7



Report to Convocation

February 23, 2017

Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones

Committee Members
Dianne Corbiere, Co-Chair
Julian Falconer, Co-Chair
Sandra Nishikawa, Vice-Chair
Gina Papageorgiou, Vice-Chair
Marion Boyd
Suzanne Clément
Robert Evans
Avvy Go
Howard Goldblatt
Marian Lippa
Isfahan Merali
Sidney Troister
Tanya Walker

Purpose of Report: Decision and Information

**Prepared by the Policy Secretariat
(Ekua Quansah – 416-947-3425)**

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COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on February 9, 2017. Committee members, benchers Dianne Corbiere, Co-Chair, Julian Falconer, Co-Chair, Sandra Nishikawa, Vice-Chair, Gina Papageorgiou, Vice-Chair, Suzanne Clément, Robert Evans, Marian Lippa, Isfahan Merali, and Tanya Walker attended. Elder Myeengun Henry and Kathleen Lickers, representative of the Indigenous Advisory Group, and Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, also participated. Staff members CEO Robert Lapper, Darcy Belisle, Sally Kang, Jennifer Khor, Terry Knott, Marian MacGregor, Karen Manarin, Ekua Quansah and Elliot Spears were present.

TAB 7.1

FOR DECISION

PROPOSED NAME CHANGE FOR EQUITY AND ABORIGINAL ISSUES COMMITTEE

Motion

2. That Convocation approve the amendments to By-law 3 and By-law 11 in accordance with the motion set out at [TAB 7.1.1: Motion to Amend By-laws 3 and 11](#).

Rationale and Key Considerations

3. In November 1999, Convocation approved the creation of the Equity and Aboriginal Issues Committee (EAIC), a standing committee that would “be responsible for issues related to equity and diversity in the legal profession.”¹ As set out in By-law 3, EAIC is mandated to develop, for Convocation’s approval, policy options for the promotion of equity and diversity having to do in any way with the practice of law in Ontario or provisions of legal services in Ontario and for addressing all matters related to Aboriginal peoples and French-speaking peoples. EAIC is also tasked with consulting with Aboriginal, Francophone and other equality-seeking communities in the development of such policy options.² The name and mandate of the committee were created in consultation with Roti io’ ta’-kier (an independent advisory board comprised of Indigenous lawyers, legal academics, law students and community members), the Treasurer’s Equity Advisory Group (now the Equity Advisory Group) and L’Association des juristes d’expression française de l’Ontario (AJEFO).³
4. The committee’s name currently includes the term “Aboriginal.” Section 35 of the *Constitution Act, 1982*, which recognizes and affirms the rights of the original inhabitants of this land, refers to “Aboriginal peoples of Canada,” which include the “Indian, Inuit and Métis peoples of Canada.” According to the First Nations & Indigenous Studies department at the University of British Columbia, “The Constitution itself was a site of struggle for Native rights in Canada, and in the negotiations leading to the inclusion of section 35, which acknowledges Aboriginal rights, “Aboriginal” became the mutually accepted term.”⁴

¹ <http://www.lsuc.on.ca/media/equitycteemotion.PDF>

² <https://www.lsuc.on.ca/uploadedFiles/By-Law-3-Benchers-Convocation-Committees-04-23-15.pdf>

³ <http://www.lsuc.on.ca/media/equitycteemotion.PDF>

⁴ <http://indigenousfoundations.arts.ubc.ca/home/identity/aboriginal-identity-terminology.html>

5. Language is fluid and constantly evolving. Furthermore, the terminology used in the English and French languages to describe the original inhabitants of Canada may not truly reflect the identities and experiences of the individuals and communities who the language is meant to describe. As Dr. Taiake Alfred explains:

The primary problem with using European languages to define Indigenous identities is the limitation they impose on the translation process. English and French are, of course, shaped within worldviews that are concrete and definitive of the particular experiences and realities, the history and spiritual make-up of the places and people who originated them. As conveyers of Indigenous realities, the languages of the colonizer are incapable of articulating with any accuracy or sympathy. Indigenous cultures reflect a worldview that is illuminated by notion of fluidity, flux and an abstract conceptual understanding – each Indigenous language developed in a cultural context and is able to articulate the subtleties and spirituality of the identities and realities of those particular people. This is the basic, technical, problem with using European terms to describe and label Indigenous peoples.⁵

6. Within the limits of the English and French languages noted above, EAIC's current name does not reflect terminology shifts throughout Canada and within the Law Society itself. Since the adoption of the *Constitution Act, 1982* and the creation of EAIC in 1999, the appropriateness, meaning and impact of the term "Aboriginal" has changed.
7. The term "Indigenous" has gained prominence as a collective term to describe First Nations, Métis and Inuit peoples. In 2007, the General Assembly of the United Nations adopted the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which recognizes "the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world."⁶ In 2016, Canada officially adopted the UN Declaration. The United Nations has not adopted an official definition of "Indigenous," noting instead that an understanding of the term is based on the following:
- Self- identification as indigenous peoples at the individual level and accepted by the community as their member
 - Historical continuity with pre-colonial and/or pre-settler societies
 - Strong link to territories and surrounding natural resources
 - Distinct social, economic or political systems
 - Distinct language, culture and beliefs
 - Form non-dominant groups of society
 - Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities⁷

⁵ http://firstnationcitizenship.afn.ca/uploads/A1_First_Nation_Perspectives_on_Political_Identity.pdf

⁶ http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

⁷ http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

8. A number of organizations and governments have changed their names to include “Indigenous” rather than “Aboriginal”. For example, in 2015, the federal Ministry of Aboriginal Affairs and Northern Development changed its name to Indigenous and Northern Affairs Canada. In June 2016, the provincial Ministry of Aboriginal Affairs was renamed the Ministry of Indigenous Relations and Reconciliation. It is also important to note that the national “professional organization for Indian, Inuit and Métis persons trained in the field of law”⁸ is called the Indigenous Bar Association.
9. More importantly, many Indigenous peoples have chosen to self-identify as such, including licensees of the Law Society. In July 2016, the Law Society, in partnership with members of First Nation, Métis and Inuit communities, established the Indigenous Advisory Group (IAG) “to provide advice on Indigenous issues and guide the Law Society and the legal community towards a better understanding of how to address unique issues faced by Indigenous peoples in Ontario.”⁹ The IAG is currently assisting the Law Society with developing an Indigenous Framework that will provide guidance on the development and implementation of Law Society policies, practices and programs.

The Committee’s Deliberations

10. The Committee unanimously supports changing the name of the committee to include the term “Indigenous” instead of “Aboriginal”. The Committee has also determined that instead of “Issues”, the term “Affairs” should be used in the committee name. The word “Issues” alludes to problems whereas the word “Affairs” speaks to building relationships.
11. Following consultation with the Law Society’s in-house translators and a review of the French version of the UN Declaration, the Committee has determined that it is not necessary to change the French name of the committee, which is currently *Comité sur l'équité et les affaires autochtones*.

Proposed Amendments

12. The proposed amendments to By-law 3 and By-law 11 to reflect the use of “Indigenous” rather than “Aboriginal” to describe First Nation, Inuit and Métis peoples and “Affairs” instead of “Issues” are outlined in **Tab 7.1.2** and **Tab 7.1.3**.

⁸ http://www.indigenousbar.ca/main_e.html

⁹ <https://www.lsuc.on.ca/newsarchives.aspx?id=2147485737&cid=2147502936>

TAB 7.1.1

THE LAW SOCIETY OF UPPER CANADA
**BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON FEBRUARY 23,
2017

MOVED BY

SECONDED BY

THAT the By-Laws, made by Convocation under subsections 62 (0.1) and (1) of the *Law Society Act*, in force on this day, be amended as follows:

**BY-LAW 3
[BENCHERS, CONVOCATION AND COMMITTEES]**

- 1. Paragraph 8 of section 108 of the English version of the By-Law is amended by deleting “Aboriginal Issues” and substituting “Indigenous Affairs”.**
- 2. The heading immediately preceding section 122 of the English version of the By-Law is amended by deleting “ABORIGINAL ISSUES” and substituting “INDIGENOUS AFFAIRS”.**
- 3. The introductory line of section 122 of the English version of the By-Law is amended by deleting “Aboriginal Issues” and substituting “Indigenous Affairs”.**
- 4. Clause 122 (a) of the English version of the By-Law is amended by deleting “Aboriginal” and substituting “Indigenous”.**
- 5. Clause 122 (b) of the English version of the By-Law is amended by deleting “Aboriginal” and substituting “Indigenous”.**

**BY-LAW 11
[REGULATION OF CONDUCT, CAPACITY AND PROFESSIONAL COMPETENCE]**

- 6. Section 14 of the English version of the By-Law is amended by deleting “Aboriginal Issues” and substituting “Indigenous Affairs”.**

TAB 7.1.2

BY-LAW 3

Redline Showing Proposed Changes – Equity and Aboriginal Issues Committee

Made: May 1, 2007
Amended: June 28, 2007
September 20, 2007
November 22, 2007
June 26, 2008
April 30, 2009
September 24, 2009
September 24, 2009 (editorial changes)
February 25, 2010
May 27, 2010
June 8, 2010 (editorial changes)
October 28, 2010
November 9, 2010 (editorial changes)
November 25, 2010
January 27, 2011
November 24, 2011
April 26, 2012
September 27, 2012
September 25, 2013
February 27, 2014
March 4, 2014
September 24, 2014
April 23, 2015

BENCHERS, CONVOCATION AND COMMITTEES

PART I

BENCHERS

ELECTION OF BENCHERS LICENSED TO PRACTISE LAW

GENERAL

(. . .)

PART VI COMMITTEES

(...)

STANDING COMMITTEES

Establishment of standing committees

108. The following standing committees are hereby established:

1. Audit and Finance Committee.
2. Revoked.]
3. Government and Public Affairs Committee.
4. Access to Justice Committee.
5. Litigation Committee.
6. Professional Development and Competence Committee.
7. Professional Regulation Committee.
8. Equity and ~~Aboriginal-Indigenous Issues-Affairs~~ Committee.
9. Inter-Jurisdictional Mobility Committee.
10. Tribunal Committee.

(...)

EQUITY AND ~~ABORIGINAL-INDIGENOUS ISSUES-AFFAIRS~~ COMMITTEE

Mandate

122. The mandate of the Equity and ~~Aboriginal-Indigenous Issues-Affairs~~ Committee is,
- (a) to develop for Convocation's approval, policy options for the promotion of equity and diversity having to do in any way with the practice of law in Ontario or provision of legal services in Ontario and for addressing all matters related to ~~Aboriginal-Indigenous~~ peoples and French-speaking peoples; and

- | (b) to consult with ~~Aboriginal~~Indigenous, Francophone and other equality-seeking communities in the development of such policy options.

123. REVOKED: November 22, 2007.

TAB 7.1.3

BY-LAW 11

Redline Showing Proposed Changes – Equity and Aboriginal Issues Committee

Made: May 1, 2007
Amended: June 28, 2007
September 20, 2007 (editorial changes)
October 25, 2007 (editorial changes)
February 21, 2008
April 24, 2008
October 30, 2008
January 29, 2009
October 28, 2010
April 25, 2013
May 30, 2013
March 4, 2014
June 26, 2014

REGULATION OF CONDUCT, CAPACITY AND PROFESSIONAL COMPETENCE

PART I

COMPLAINTS RESOLUTION COMMISSIONER

(...)

PART II

DISCRIMINATION AND HARASSMENT COUNSEL

Interpretation

14. In this Part, “Committee” means the Equity and ~~Aboriginal-Indigenous Issues-Affairs~~ Committee.

TAB 7.2

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION

13. That Convocation approve the letters and public statements in the following cases:
- a. Simon Lilan – Kenya – letters of intervention and public statement presented at [TAB 7.2.1](#).
 - b. Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura – Burundi – letters of intervention and public statement presented at [TAB 7.2.2](#).
 - c. Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl – Turkey – letters of intervention and public statement presented at [TAB 7.2.3](#).
 - d. Bakhrom Khamroev – Russia – letters of intervention and public statement presented at [TAB 7.2.4](#).
 - e. Arlan Castañeda – The Philippines – letters of intervention and public statement presented at [TAB 7.2.5](#).
 - f. Eric Iga Iga – Gabon – letters of intervention and public statement presented at [TAB 7.2.6](#).
 - g. Malek Adly – Egypt – letters of intervention and public statement presented at [TAB 7.2.7](#).
 - h. Noemi Mendez – Dominican Republic – letters of intervention and public statement presented at [TAB 7.2.8](#).
 - i. Li Jinxing – China – letters of intervention and public statement presented at [TAB 7.2.9](#).
 - j. Mir Ahmed Bin Quasem – Bangladesh – letters of intervention and public statement presented at [TAB 7.2.10](#).
 - k. Dr. İřtar Gözaydın – Turkey – letters of intervention and public statement presented at [TAB 7.2.11](#).
 - l. Jiang Tianyong – China – letters of intervention and public statement presented at [TAB 7.2.12](#).
 - m. U Ko Ni – Myanmar – letters of intervention and public statement presented at [TAB 7.2.13](#).

Rationale

14. The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,
- a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;

- b. determine if the matter is one that requires a response from the Law Society; and
- c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

15. The Monitoring Group considered the following factors when making a decision about the harassment of lawyer Simon Lilan in Kenya:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the harassment of lawyer Simon Lilan falls within the mandate of the Monitoring Group.
16. The Monitoring Group considered the following factors when making a decision about the disbarment / suspension of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura in Burundi:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the disbarment / suspension of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura falls within the mandate of the Monitoring Group.
17. The Monitoring Group considered the following factors when making a decision about the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl in Turkey:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl fall within the mandate of the Monitoring Group; and
 - c. the Law Society has intervened on numerous occasions in cases involving lawyers in Turkey.
18. The Monitoring Group considered the following factors when making a decision about the harassment of lawyer Bakhrom Khamroev in Russia:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the harassment of lawyer Bakhrom Khamroev falls within the mandate of the Monitoring Group.
19. The Monitoring Group considered the following factors when making a decision about the murder of lawyer Arlan Castañeda in the Philippines:

- a. there are no concerns about the quality of sources used for this report; and
 - b. the murder of lawyer Arlan Castañeda falls within the mandate of the Monitoring Group.
20. The Monitoring Group considered the following factors when making a decision about the disappearance of lawyer Eric Iga Iga in Gabon:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the disappearance of lawyer Eric Iga Iga falls within the mandate of the Monitoring Group.
21. The Monitoring Group considered the following factors when making a decision about the travel ban against lawyer Malek Adly in Egypt:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the travel ban against lawyer Malek Adly falls within the mandate of the Monitoring Group.
22. The Monitoring Group considered the following factors when making a decision about the harassment of lawyer Noemi Mendez in the Dominican Republic:
 - a. there are no concerns about the quality of sources used for this report; and
 - b. the harassment of lawyer Noemi Mendez falls within the mandate of the Monitoring Group.
23. The Monitoring Group considered the following factors when making a decision about the licence suspension of lawyer Li Jinxing in China:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the licence suspension of lawyer Li Jinxing falls within the mandate of the Monitoring Group; and
 - c. the Law Society has intervened on numerous occasions in cases involving lawyers in China.
24. The Monitoring Group considered the following factors when making a decision about the arrest and detention of lawyer Mir Ahmed Bin Quasem in Bangladesh:
 - a. there are no concerns about the quality of sources used for this report; and

- b. the arrest and detention of lawyer Mir Ahmed Bin Quasem falls within the mandate of the Monitoring Group.
25. The Monitoring Group considered the following factors when making a decision about the detention of Dr. İřtar Gözaydın in Turkey:
- a. there are no concerns about the quality of sources used for this report;
 - b. there is a question as to whether the detention of Dr. İřtar Gözaydın falls within the mandate of the Monitoring Group, given that Dr. Gözaydın, a prominent professor of law and politics and founder of the human rights NGO the Helsinki Citizens Assembly, does not appear to be a practising lawyer; and
 - c. the Law Society has intervened on numerous occasions in cases involving lawyers in Turkey.
26. The Monitoring Group considered the following factors when making a decision about the detention of Jiang Tianyong in China:
- a. there are no concerns about the quality of sources used for this report;
 - b. there is a question as to whether the detention of Jiang Tianyong falls within the mandate of the Monitoring Group, given that Jiang Tianyong was disbarred in 2009 (note, however, that his disbarment was reprisal for his legitimate human rights work); and
 - c. the Law Society has intervened on numerous occasions in cases involving lawyers in China.
27. The Monitoring Group considered the following factors when making a decision about the murder of lawyer U Ko Ni in Myanmar:
- a. there are no concerns about the quality of sources used for this report; and
 - b. the murder of lawyer U Ko Ni falls within the mandate of the Monitoring Group.

KEY BACKGROUND

KENYA – HARASSMENT OF LAWYER SIMON LILAN

Sources of Information

28. The background information for this report was retrieved from the following sources:

- a. Daily Nation;
- b. Lawyers' Rights Watch Canada;
- c. The Standard; and
- d. Tuko.

Background

29. Simon Lilan is a Kenyan lawyer who received death threats and experienced other forms of harassment as a result of his advocacy on behalf of the late Kenyan politician Mark Too.
30. On the belief that his client Mark Too had been assassinated, Simon Lilan sought and obtained an injunction to halt Too's burial until Too's body had been examined by independent pathologists.¹ When the injunction was subsequently revoked, Simon Lilan threatened to seek new orders to have the body exhumed.² For "[his] stand on the death of Mr. Too", he reportedly received death threats from "powerful people [who] want to finish [him]".³
31. The harassment appears to have been so severe and the threat to his safety so tangible that Simon Lilan felt compelled to go into hiding on January 9, 2017. Upon resurfacing on January 20, 2017, he explained that he went into hiding after being tailed by two vehicles whose "occupants were not up to any good" and receiving calls from senior politicians who wanted him to drop the case. The police reportedly did nothing when he turned to them for protection. Relatedly, when his office was burgled on January 17, 2017, the local police stated that their preliminary investigations showed no signs of a break-in.⁴
32. While in hiding, Simon Lilan sought asylum from foreign embassies and civil rights organisations.⁵ His safety and security continue to be at risk.

BURUNDI – DISBARMENT OF VITAL NSHIMIRIMANA, ARMEL NIYONGERE AND DIEUDONNÉ BASHIRAHISHIZE; SUSPENSION OF LAMBERT NIGARURA

Sources of Information

¹ Lawyers' Rights Watch Canada, "Kenya: Immediately Investigate and Remedy Enforced Disappearance of Lawyer Simon Lilan | Letter" (14 January 2017), online: <http://www.lrwc.org/kenya-immediately-investigate-and-remedy-enforced-disappearance-of-lawyer-simon-lilan-letter/#_ftn2>; Silah Koskei, "Mystery as missing lawyer Simon Lilan's office 'burgled'", *The Standard* (19 January 2017), online: <<https://www.standardmedia.co.ke/article/2000230435/mystery-as-missing-lawyer-simon-lilan-s-office-burgled>>.

² Koskei, *ibid*.

³ Lawyers' Rights Watch Canada, "Kenya: Immediately Investigate and Remedy Enforced Disappearance of Lawyer Simon Lilan | Letter" (14 January 2017), online: <http://www.lrwc.org/kenya-immediately-investigate-and-remedy-enforced-disappearance-of-lawyer-simon-lilan-letter/#_ftn2>.

⁴ Koskei, *supra* note 1.

⁵ Julia Majale, "Missing Mark Too's lawyer found but Kenyans are NOT pleased", *Tuko* (20 January 2017), online: <<https://www.tuko.co.ke/228042-missing-mark-toos-lawyer-kenyans-not-pleased.html>>; Dennis Lubanga & Gerald Bwisa, "Lawyer Simon Lilan resurfaces in Nairobi", *Daily Nation* (21 January 2017), online: <<http://www.nation.co.ke/news/Missing-Eldoret-lawyer-resurfaces/1056-3781850-vh2ogm/>>.

33. The background information for this report was retrieved from the following sources:
- a. AllAfrica;
 - b. Lawyers for Lawyers; and
 - c. Reuters.

Background

34. Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana are Burundian human rights lawyers who are openly critical of the Burundian government's human rights violations and have represented victims of such crimes before international courts.⁶
35. Recently, the four lawyers contributed to a report on human rights violations in Burundi. This report was discussed during a session of the United Nations Committee Against Torture on July 28 and 29, 2016. Three of the four lawyers attended the session.⁷
36. On July 29, 2016, the President of the Bar Association in Bujumbura, Burundi received a request from the Attorney General of the Court of Bujumbura to disbar Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana. The lawyers were accused of non-compliance with professional ethics and several criminal offences, including "involvement in an insurrectionist movement" and an attempted coup.⁸ However, because no criminal case had been brought against the lawyers and no other justification for the requested disbarment existed, the President of the Bujumbura Bar Association, on September 27, 2016, decided to dismiss the Attorney General's request and refused to sanction the four lawyers.⁹
37. This decision was appealed to the Bujumbura Court of Appeal and overturned on January 16, 2017. Consequently, Vital Nshimirimana, Armel Niyongere and Dieudonné Bashirahishize were disbarred from the Bujumbura Bar Association, while Lambert Nigarura was suspended for one year and excluded from the Council of Bujumbura Bar for five years. According to reports, the trial was fraught with many procedural irregularities, including the Court of Appeal's refusal to allow the lawyers to be represented by their counsel. It is likely that they will file complaints to the international court.¹⁰
38. Based on the foregoing, it would appear that the four lawyers are being persecuted by the Burundian government as a result of their legitimate human rights activities.

⁶ Lorraine Josiane Manishatse, "Burundi: Bujumbura Court of Appeal Disbars Four Lawyers", *AllAfrica* (17 January 2017), online: <<http://allafrica.com/stories/201701180561.html>>.

⁷ Lawyers for Lawyers, "Burundi: Four lawyers face disbarment" (27 October 2016), online: <<http://www.advocatenvooradvocaten.nl/11943/burundi-four-lawyers-face-disbarment/>>; Stephanie Nebehay & Mark Heinrich, "Burundi lawyers face disbarment over remarks to U.N. torture watchdog - rights experts", *Reuters* (8 August 2016), online: <<http://uk.reuters.com/article/uk-burundi-rights-idUKKCN10J1TQ>>.

⁸ Lawyers for Lawyers, *ibid*; Nebehay & Heinrich, *ibid*.

⁹ Lawyers for Lawyers, *ibid*.

¹⁰ Manishatse, *supra* note 6.

TURKEY – ARRESTS AND DETENTIONS OF LAWYERS SEHER ACAY, FEVZI ADSIZ, ZIYA BAĞI AND MAHMUT BINGÖL

Sources of Information

39. The background information for this report was retrieved from the following sources:
- Council of Bars and Law Societies of Europe;
 - International Federation for Human Rights; and
 - World Organisation Against Torture.

Background

40. Human rights lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl are all members of the Human Rights Association (“IHD”), a Turkish human rights NGO. They are also members of the Mesopotamia Lawyers Association (“MHD”), which was shut down pursuant to an emergency decree by the Turkish government on November 24, 2016.¹¹
41. According to reports, the four lawyers were arrested and taken to Mardin Police Headquarters on November 21, 2016 pursuant to an arbitrary order issued by Public Prosecutor Vural Eker.¹² During their first five days in detention, they had no access to their lawyers. From thereon, their access to their lawyers was severely limited by the police.¹³
42. As of the last status update (December 7-8, 2016), the police had yet to take the statements of the four detained lawyers¹⁴ or to file formal charges against them.¹⁵ However, there is speculation amongst the local press that their arrests and detentions may be linked to their activities as counsel for the city of Mardin, whose mayor was accused of being linked to the Kurdistan Workers' Party (the “PKK”)¹⁶ and consequently taken into custody on November 21, 2016.¹⁷

¹¹ Council of Bars and Law Societies of Europe, “Re: Concerns regarding the arrest and detention of lawyers Ziya Bağı, Seher Acay, Fevzi Adsiz, and Mahmut Bingöl” (8 December 2016), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Turkey_-_Turquie/2016/EN_HRL_20161208_Turkey_Concerns-regarding-the-arrest-and-detention-of-lawyers-Ziya-Ba-Seher-Acay-Fevzi-Ads-z-and-Mahmut-Bingul.pdf>; International Federation for Human Rights, “Turkey: Arbitrary detention of members of IHD Ms. Seher Acay, Mr. Fevzi Adsiz, Mr. Ziya Bağı, and Mr. Mahmut Bingöl” (7 December 2016), online: <<https://www.fidh.org/en/issues/human-rights-defenders/turkey-arbitrary-detention-of-members-of-ihd-ms-seher-acay-mr-fevzi>>.

¹² Council of Bars and Law Societies of Europe, *ibid*; World Organisation Against Torture, “Turkey: Arbitrary detention of members of IHD Ms. Seher Acay, Mr. Fevzi Adsiz, Mr. Ziya Bağı, and Mr. Mahmut Bingöl” (7 December 2016), online: <<http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2016/12/d24088/>>.

¹³ Council of Bars and Law Societies of Europe, *ibid*.

¹⁴ Council of Bars and Law Societies of Europe, *ibid*.

¹⁵ International Federation for Human Rights, *supra* note 11.

¹⁶ The PKK is a left-wing organisation based in Turkey and Iraq that has, since 1984, been waging an armed struggle against the Turkish state for equal rights and self-determination for Kurds in Turkey.

¹⁷ World Organisation Against Torture, *supra* note 12.

RUSSIA – HARASSMENT OF BAKHROM KHAMROEV

Sources of Information

43. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe; and
 - b. Front Line Defenders.

Background

44. Bakhrom Khamroev is a human rights lawyer and the head of Erdam, an organisation that works to protect Central Asian migrant workers in Russia. He is known for representing persecuted Uzbekistani political refugees.¹⁸
45. According to reports, on September 29, 2016, 20 armed officers from the Federal Security Service (“FSB”) conducted an eight-hour raid on Bakhrom Khamroev’s home, confiscating various documents and technical equipment. He was then taken to FSB headquarters where he was questioned about his political viewpoints and his knowledge of two Uzbekistanis who had been charged with terrorism for their alleged involvement in the Islamic political organisation “Hizb ut-Tahrir”. Bakhrom Khamroev had previously represented these two individuals on a separate matter. He was later released, but warned that he would be summoned for further questioning.¹⁹
46. Bakhrom Khamroev has been targeted in the past for his human rights work. Prior to the abovementioned incident, he had been convicted and sentenced to 1.5 years imprisonment on fabricated drug possession charges. He was later released on parole. Additionally, Bakhrom Khamroev has been attacked by both unknown assailants and FSB officers on five separate occasions. While criminal investigations were opened by the Russian authorities for some of the attacks, no suspects were ever identified or brought to justice.²⁰

PHILIPPINES – MURDER OF ARLAN CASTAÑEDA

Sources of Information

47. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe;
 - b. GMA News;²¹

¹⁸ Council of Bars and Law Societies of Europe, “Re: Concerns regarding the harassment of Mr Bakhrom Khamroev, a human rights lawyer” (17 November 2016), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Russia_-_Russie/2016/EN_HRL_20161117_Russia_Bakhrom_Khamroev.pdf>.

¹⁹ Front Line Defenders, “Raid on the home of Bakhrom Khamroev” (7 October 2016), online: <<https://www.frontlinedefenders.org/en/case/raid-home-bakhrom-khamroev>>.

²⁰ Front Line Defenders, *ibid.*

²¹ Villamor Visaya Jr., “Ex-councilor, aide shot dead after attending Simbang Gabi in Isabela”, *GMA News*

- c. Inquirer;²² and
- d. Rappler.²³

Background

- 48. Arlan Castañeda was a Filipino lawyer and former town councillor.
- 49. According to reports, on December 20, 2016, Arlan Castañeda and his security aide attended dawn mass at a local church in San Pablo, Isabela. As they were leaving the church, the two men were shot by gunmen on motorcycles. Arlan Castañeda died on the way to the hospital, while his aide died on the spot.
- 50. Police believe that the shooting may have been related to Arlan Castañeda's legal work, as he had been handling controversial land dispute cases at the time of his death.²⁴

GABON – HARASSMENT OF ERIC IGA IGA

Sources of Information

- 51. The background information for this report was retrieved from the following sources:
 - a. Africanews;
 - b. Council of Bars and Law Societies of Europe; and
 - c. Ghana Star.

Background

- 52. Eric Iga Iga is one of two lawyers who represented opposition leader Jean Ping before the Constitutional Court in September 2016 when Ping sought to challenge the re-election of President Ali Bongo Ondimba.²⁵

(20 December 2016), online: <<http://www.gmanetwork.com/news/story/593088/news/regions/ex-councilor-aide-shot-dead-after-attending-simbang-gabi-in-isabela>>.

²² Villamor Visaya Jr., "Lawyer, aide shot dead after dawn Mass in Isabela", *Inquirer* (20 December 2016), online: <<http://newsinfo.inquirer.net/855036/lawyer-aide-shot-dead-after-dawn-mass-in-isabela>>.

²³ Raymon Dullana, "Ex-councilor, bodyguard killed in shooting inside Isabela church", *Rappler* (20 December 2016), online: <<http://www.rappler.com/nation/156043-shooting-during-mass-isabela-church>>.

²⁴ Council of Bars and Law Societies of Europe, "Re: Murder of Mr Arlan Castañeda, human rights lawyer" (10 January 2017), online:

<http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Philippines_-_Philippines/2017/EN_HRL_20170110_Philippines_Arlan-Casta-eda.pdf>.

²⁵ Council of Bars and Law Societies of Europe, "Re: Concerns regarding the disappearance of Gabonese lawyer Mr Eric Iga Iga" (19 December 2016), online:

<http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Gabon_-_Gabon/2016/EN_HRL_20161219_Gabon_Concerns_regarding_the_disappearance_of_Gabonese_lawyer_Mr_Eric_Iga_Iga.pdf>; "Lawyer of Gabon's Opposition Leader Reported Missing", *Ghana Star* (12 December 2016), online: <<https://www.ghanastar.com/international/lawyer-of-gabons-opposition-leader-reported-missing/>>.

53. According to reports, Eric Iga Iga vanished without explanation on December 8, 2016. Immediately prior to his disappearance, he reportedly told a colleague over the phone that a suspicious car was waiting at his house and that he was trying to find out more. Late that evening, men identifying themselves as members of the military police executed a search of his home in the presence of his children.²⁶
54. For several days thereafter, his family and colleagues remained without news from or of him. Then, on December 13, 2016, it was revealed that Eric Iga Iga had sought and found refuge with a foreign embassy in Libreville, Gabon.²⁷

EGYPT – TRAVEL BAN AGAINST MALEK ADLY

Sources of Information

55. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe; and
 - b. Front Line Defenders.

Background

56. Malek Adly is a prominent human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights (“ECESR”). The ECESR seeks to promote and mobilise social movements to spread awareness for human rights. He is also one of the founders of the Front for Defending Egypt's Protesters, a group comprising of 34 human rights organisations and several lawyers which documents illegal practices carried out by state police forces against peaceful protesters.²⁸
57. On November 2, 2016, as he was preparing to board a flight to Paris at the Cairo International Airport, Malek Adly was accosted by a member of the Egyptian National Security, interrogated about the purpose of his travel and informed that he was under a travel ban. No reasons or explanations were given with respect to the travel ban.²⁹
58. This is not the first time that Malek Adly was targeted for his peaceful human rights activities. Sources indicate that he has been the target of judicial harassment and physical attacks by the Egyptian authorities since early March 2015, when he and roughly 100 other lawyers participated in an anti-torture protest in Cairo.³⁰ Most recently, he was arrested

²⁶ “Gabon: Ping happy his 'missing' lawyer is safe with 'friendly' embassy”, *Africanews* (14 December 2016), online: <<http://www.africanews.com/2016/12/14/gabon-ping-happy-his-missing-lawyer-is-safe-with-friendly-embassy/>>.

²⁷ *Africanews*, *ibid*.

²⁸ Front Line Defenders, “Malek Adly”, online: <<https://www.frontlinedefenders.org/en/profile/malek-adly>>.

²⁹ Front Line Defenders, “Judicial Harassment and Travel Ban Against Malek Adly”, online: <<https://www.frontlinedefenders.org/en/case/judicial-harassment-and-travel-ban-against-malek-adly>>.

³⁰ Front Line Defenders, *ibid*.

and detained from May 5 to August 25, 2016 after calling for a protest against Egyptian authorities on April 25, 2016. It should be noted that although the charges remain pending notwithstanding his release, no restrictions on travel were imposed as a condition of his release.³¹

DOMINICAN REPUBLIC – HARASSMENT OF NOEMI MENDEZ

Sources of Information

59. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe; and
 - b. Front Line Defenders.

Background

60. Noemi Mendez is a prominent human rights lawyer known for her advocacy on behalf of migrant workers and Dominicans of Haitian descent.³² She has represented several individuals affected by the September 2013 decision of the Constitutional Court which arbitrarily and retroactively deprived generations of people born and raised in the Dominican Republic of their Dominican nationality.³³
61. Upon the release of the aforementioned judgment, a number of human rights lawyers who criticised the decision were subjected to threats and other acts of intimidation. The situation has not improved since – human rights lawyers working to overturn the ruling are regularly targeted through smear campaigns, harassment on social media, criminalisation and violent attacks.³⁴
62. According to reports, on December 12, 2016, Noemi Mendez arrived at work to find that the glass entrance door of her office in San Pedro de Macorís had been broken. No valuables appear to have been taken and nothing seems to be missing. That said, this damage to her property does not appear to be an isolated incident, as her car had been vandalised just a month prior.³⁵

³¹ Council of Bars and Law Societies of Europe, “Re: Concerns regarding the travel ban against Malek Adly, a human rights lawyer” (17 November 2016), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Egypt_-_Egypte/2016/EN_HRL_20161117_Egypt_Malek_Adly.pdf>.

³² Front Line Defenders, “Noemi Mendez”, online: <<https://www.frontlinedefenders.org/en/profile/noemi-mendez>>.

³³ Council of Bars and Law Societies of Europe, “Re: Harassment of Ms Noemi Mendez, human rights lawyer” (10 January 2017), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Dominican_Republic/2017/EN_HRL_20170110_Dominican-Republic_Noemi-Mendez.pdf>.

³⁴ Council of Bars and Law Societies of Europe, *ibid*.

³⁵ Front Line Defenders, “Acts of intimidation against human rights lawyer Noemi Mendez” (14 December 2016), online: <<https://www.frontlinedefenders.org/en/case/acts-intimidation-against-human-rights-lawyer-noemi-mendez>>.

CHINA – LICENCE SUSPENSION OF LI JINXING

Sources of Information

63. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe;
 - b. IAPL Monitoring Committee on Attacks on Lawyers;³⁶ and
 - c. The Wall Street Journal.

Background

64. Li Jinxing is a prominent human rights lawyer who is well known for his advocacy for civil liberties. He is also a founder of the Innocence Project of China, a collective of lawyers which has successfully fought to overturn several wrongful convictions in China in recent years.³⁷
65. In a notice dated December 2, 2016, the Justice Bureau in the provincial capital of Jinan stated that it was imposing a year-long suspension on Li Jinxing's law licence. According to the notice, the basis for the suspension was the unruly behaviour Li Jinxing displayed in court while defending Yang Maodong (aka Guo Feixiong), a free-speech activist who was sentenced to six years in prison in late 2015 on charges of disturbing the public order and "provoking trouble" after displaying banners which called on officials to disclose their assets. More specifically, the Justice Bureau claimed that Li Jinxing had made statements without the court's permission, interrupted a judge, verbally attacked court officials and interfered with the normal order of the court.³⁸

BANGLADESH – ARREST AND DETENTION OF MIR AHMED BIN QUASEM

Sources of Information

66. The background information for this report was retrieved from the following sources:
- a. Council of Bars and Law Societies of Europe;

³⁶ IAPL Monitoring Committee on Attacks on Lawyers, "China: Law License Of Prominent Human Rights Lawyer Li Jinxing Suspended" (6 December 2016), online: <<https://defendlawyers.wordpress.com/2016/12/19/china-law-license-of-prominent-human-rights-lawyer-li-jinxing-suspended-china/>>.

³⁷ Council of Bars and Law Societies of Europe, "Re: Concerns regarding the suspension of the license to practice law of Mr Li Jinxing, human rights lawyer" (21 December 2016), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/China_-_China/2016/EN_HRL_20161221_China_Concerns_regarding_the_suspension_of_the_license_to_practice_law_of_Mr_Li_Jinxing_human_rights_lawyer.pdf>.

³⁸ Te-Ping Chen, "Chinese Human-Rights Lawyer's Legal License Is Suspended", *The Wall Street Journal* (2 December 2016), online: <<http://www.wsj.com/articles/chinese-human-rights-lawyers-legal-license-is-suspended-1480681832>>.

- b. Forbes;³⁹ and
- c. Human Rights Watch.

Background

67. Mir Ahmed Bin Quasem is a Bangladeshi human rights lawyer and a member of the Bar Council of England and Wales. He defended his father, Mir Quasem Ali, the leader of the opposition party Jamaat-e-Islami, against accusations of war crimes. Following a trial that was considered unfair by several international NGOs, Mir Quasem Ali was convicted in November 2014 and executed in September 2016.⁴⁰
68. According to reports, Mir Ahmed Bin Quasem was arrested at his home and forcibly dragged into a waiting car by several men in civilian clothes on August 9, 2016. The men claimed to be members of the administration, but did not identify themselves as belonging to any specific branch of the security forces. They also refused to show an arrest warrant. Mir Ahmed Bin Quasem's wife and cousin were present at the time of the arrest.
69. Although the Bangladeshi government has denied that it is holding Mir Ahmed Bin Quasem in custody, his family has learned that he was first held at the headquarters of the Rapid Action Battalion before being moved to the headquarters of the Detective Branch. The most recent reports indicate that the charges against Mir Ahmed Bin Quasem have not yet been disclosed to his family, he has not been produced before a magistrate as required by law, and he has not been allowed access to his family or lawyers.⁴¹
70. According to Human Rights Watch, Bangladeshi law enforcement authorities have a long history of politically motivated arrests and disappearances. In many cases, detainees are tortured or even killed.⁴²

TURKEY – DETENTION OF DR. İŞTAR GÖZAYDIN

Sources of Information

71. The background information for this report was retrieved from the following sources:
- a. International Federation for Human Rights;

³⁹ Nazmus Sakib, "In Bangladesh, Where Have All The Disappeared Gone?", *Forbes* (28 October 2016), online: <<http://www.forbes.com/sites/realspin/2016/10/28/in-bangladesh-where-have-all-the-disappeared-gone/#75a2cf6856d0>>.

⁴⁰ Council of Bars and Law Societies of Europe, "Re: Concerns regarding the ongoing disappearance of Mr Mir Ahmed Bin Quasem, human rights lawyer" (19 December 2016), online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Bangladesh_-_Bangladesh/2016/EN_HRL_20161219_Bangladesh_Concerns_regarding_the_ongoing_disappearance_of_Mr_Mir_Ahmed_Bin_Quasem_human_rights_lawyer.pdf>.

⁴¹ Human Rights Watch, "Bangladesh: End Arbitrary and Secret Arrests" (12 October 2016), online: <<https://www.hrw.org/news/2016/10/12/bangladesh-end-arbitrary-and-secret-arrests>>.

⁴² Human Rights Watch, *ibid*.

- b. Lawyers' Rights Watch Canada; and
- c. World Organisation Against Torture.

Background

72. Dr. İřtar Gözaydın is a professor of law and politics and founder of the human rights NGO the Helsinki Citizens Assembly. She is known for her positions against capital punishment and mob violence in Turkey.⁴³
73. According to reports, Dr. İřtar Gözaydın was taken into custody on December 20, 2016 and formally arrested on suspicion of "being a member of an armed terror organisation" on December 28, 2016. The charge is based on the alleged testimony of a secret witness and an intelligence report. She is currently being detained at řakran prison in İzmir Province.⁴⁴
74. Sources indicate that during her first days in detention, Dr. İřtar Gözaydın was denied proper access to her lawyer. Although her lawyer was eventually permitted to see her, he has been barred from accessing the investigation file on her case. Additionally, to date, her husband has been refused permission to visit her.⁴⁵
75. While the investigation into Dr. İřtar Gözaydın is based on allegations that she is connected to terrorist organisations, human rights groups believe that her detention is a form of retaliation for her human rights activities. As such, Dr. İřtar Gözaydın's detention is arbitrary and constitutes harassment.

CHINA – DETENTION OF (DISBARRED) LAWYER JIANG TIANYONG

Sources of Information

76. The background information for this report was retrieved from the following sources:
- a. Epoch Times;
 - b. The Guardian;
 - c. International Federation for Human Rights; and
 - d. World Organisation Against Torture.

⁴³ International Federation for Human Rights, "Turkey: Arbitrary detention and judicial harassment of Dr. İřtar Gözaydın" (30 December 2016), online: <<https://www.fidh.org/en/issues/human-rights-defenders/the-observatory-turkey-arbitrary-detention-and-judicial-harassment-of>>.

⁴⁴ World Organisation Against Torture, "Turkey: Arbitrary detention and judicial harassment of Dr. İstar Gozaydin" (30 December 2016), online: <<http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2016/12/d24138/>>.

⁴⁵ Lawyers' Rights Watch Canada, "Turkey: Immediately and Unconditionally Release Arbitrarily Detained Dr. İřtar Gözaydın | Letter" (1 January 2017), online: <<http://www.lrwc.org/turkey-immediately-and-unconditionally-release-arbitrarily-detained-dr-istar-gozaydin-letter/>>.

Background

77. Jiang Tianyong is a Chinese human rights activist and former lawyer who is well known for his advocacy on behalf of Falun Gong practitioners, Tibetan protesters, and fellow human rights lawyers.⁴⁶
78. According to reports, Jiang Tianyong disappeared on November 21, 2016. His last communication with the outside world was a text message to his wife, informing her that he had boarded a train in Changsha (where he had met the wife and lawyers of Xie Yang, a human rights lawyer currently detained at Changsha City Detention Centre) and was due back in Beijing the next morning.⁴⁷ After he failed to show up at the train station and remained unresponsive to attempts to reach him, his family and lawyer reported his disappearance to the police. The police, however, refused to file a missing persons report.⁴⁸
79. On December 16, 2016, Chinese authorities finally confirmed that Jiang Tianyong had been detained (for nine days, his lawyer later learned) at a police station in Changsha for allegedly using fake identification to buy his train ticket. The police also accused him of “illegally possessing documents classified as State secrets” and “illegally disseminating State secrets to overseas [sources]”, political charges frequently levelled against dissidents and activists to secure prosecution and conviction.⁴⁹
80. On December 23, 2016, authorities informed Jiang Tianyong’s family that he had been put under residential surveillance at an undisclosed location on suspicion of “inciting subversion of State power”. On December 29, 2016, his lawyer’s request to visit him was refused.⁵⁰ Additionally, since his arrest, several members of Jiang Tianyong’s family have been harassed by the police.⁵¹
81. Human rights organisations fear that Jiang Tianyong’s disappearance and detention may be directly linked to his human rights activities, including a meeting he had with United Nations officials in August 2016.⁵² There is also concern that he may be at risk of torture.⁵³

⁴⁶ Larry Ong, “China Confirms It Took Lawyer Jiang Tianyong Into Custody”, *Epoch Times* (22 December 2016), online: <<http://www.theepochtimes.com/n3/2202248-china-confirms-it-took-lawyer-jiang-tianyong-into-custody/>>; Benjamin Haas, “China police confirm detention of human rights lawyer Jiang Tianyong”, *The Guardian* (16 December 2016), online: <<https://www.theguardian.com/world/2016/dec/16/china-police-confirm-detention-of-human-rights-lawyer-jiang-tianyong>>.

⁴⁷ Ong, *ibid*.

⁴⁸ International Federation for Human Rights, “China: Incommunicado detention of human rights lawyer Jiang Tianyong” (9 January 2017), online: <<https://www.fidh.org/en/issues/human-rights-defenders/china-incommunicado-detention-of-human-rights-lawyer-jiang-tianyong>>; World Organisation Against Torture, “China: Incommunicado detention of human rights lawyer Jiang Tianyong” (9 January 2017), online: <<http://www.omct.org/human-rights-defenders/urgent-interventions/china/2017/01/d24145/>>.

⁴⁹ World Organisation Against Torture, *ibid*; International Federation for Human Rights, *ibid*; Larry Ong, *supra* note 46.

⁵⁰ World Organisation Against Torture, *ibid*; International Federation for Human Rights, *ibid*.

⁵¹ Larry Ong, *supra* note 46.

⁵² Haas, *supra* note 46.

⁵³ Larry Ong, *supra* note 46.

82. This is not the first time that Jiang Tianyong has been harassed by authorities as a result of his human rights work. Previously, he had been the subject of brutal beatings by the police and state security officers, multiple stints in detention, and, in 2009, disbarment.⁵⁴

MYANMAR – MURDER OF LAWYER U KO NI

Sources of Information

83. The background information for this report was retrieved from the following sources:
- a. Amnesty International;
 - b. BBC;
 - c. International Bar Association;
 - d. The Irrawaddy; and
 - e. The New York Times.

Background

84. U Ko Ni was a prominent human rights lawyer and legal adviser to the National League for Democracy, the ruling party in Myanmar.⁵⁵ One of the most prominent Muslims in Buddhist-majority Myanmar, U Ko Ni was known for promoting religious harmony and supporting constitutional reform.⁵⁶ He authored six books on human rights issues and democratic elections,⁵⁷ and was also a founding senior member of the Independent Lawyers' Association of Myanmar.⁵⁸
85. On January 29, 2017, U Ko Ni was shot at close range in the head by a gunman as he was preparing to leave Yangon International Airport. He had just returned from a government-organised visit to Indonesia where he and approximately 20 other Burmese government officials and civic leaders discussed democracy and conflict resolution. A taxi driver who tried to apprehend the gunman as he attempted to flee the scene was also shot and later died in hospital. A number of other taxi drivers were successful in stopping and detaining the gunman until the police arrived.⁵⁹

⁵⁴ Larry Ong, *ibid*; International Federation for Human Rights, *supra* note 48; World Organisation Against Torture, *supra* note 48.

⁵⁵ Amnesty International, "Myanmar: Independent Investigation Urged After Prominent Muslim Lawyer Shot Dead" (29 January 2017), online: <<https://www.amnesty.org/en/press-releases/2017/01/myanmar-independent-investigation-urged-after-prominent-muslim-lawyer-shot-dead/>>.

⁵⁶ International Bar Association, "IBAHRI decries fatal shooting of prominent lawyer U Ko Ni in Myanmar and calls for an investigation" (31 January 2017), online: <<http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=115d3918-3b50-4fef-b7ba-3fa75dc680ab>>.

⁵⁷ Wai Moe, "U Ko Ni, a Prominent Muslim Lawyer in Myanmar, Is Fatally Shot", *The New York Times* (29 January 2017), online: <<https://www.nytimes.com/2017/01/29/world/asia/myanmar-u-ko-ni-yangon-assassination-daw-aung-san-suu-kyi.html>>.

⁵⁸ International Bar Association, *supra* note 56.

⁵⁹ Moe, *supra* note 57.

86. The shooter has been identified as 53-year-old Kyi Lin. Another man, Myint Swe, has also been arrested. According to leaked police documents, Myint Swe allegedly hired Kyi Lin back in December 2016 to assassinate U Ko Ni. The two men had reportedly known each other since a September 2016 meeting in Mae Sot, Thailand.⁶⁰
87. The motive behind the murder is currently unknown. That being said, according to his daughter, U Ko Ni was "often threatened" because he had spoken out against the continuing influence of the military on politics. She also stated that his religion may have been a contributing factor. Last year, U Ko Ni helped found the Myanmar Muslim Lawyers' Association and spoke of the need to stand up for the rights of Muslim citizens. These actions may have made him some powerful enemies, especially in light of the fact that anti-Muslim sentiment is high in Myanmar and there is significant public support for a military operation in Rakhine state, which is home to thousands of Rohingya Muslims.⁶¹

⁶⁰ May Sitt Paing, "Police Arrest Conspirator in U Ko Ni Assassination Plot", *The Irrawaddy* (1 February 2017), online: <<http://www.irrawaddy.com/news/burma/police-arrest-conspirator-in-u-ko-ni-assassination-plot.html>>; "Govt Investigates U Ko Ni's Assassination", *The Irrawaddy* (30 January 2017), online: <<http://www.irrawaddy.com/news/burma/govt-investigates-u-ko-nis-assassination.html>>.

⁶¹ BBC, "Myanmar: Leading lawyer Ko Ni assassinated at Yangon airport" (30 January 2017), online: <<http://www.bbc.com/news/world-asia-38788669>>.

TAB 7.2.1

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

SIMON LILAN

H.E. Uhuru Kenyatta
President of Kenya
State House Road
P.O. Box 40530-00100
Nairobi, Kenya
Email: uhuru@uhuru.co.ke

Your Excellency:

Re: Harassment of lawyer Simon Lilan

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of lawyer Simon Lilan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

It has come to our attention that Simon Lilan received death threats and experienced other forms of harassment as a result of his advocacy on behalf of the late Kenyan politician Mark Too.

As we understand it, on the belief that his client Mark Too had been assassinated, Simon Lilan sought and obtained an injunction to halt Mr. Too's burial until Mr. Too's body had been examined by independent pathologists. When the injunction was subsequently revoked, Simon Lilan threatened to seek new orders to have the body exhumed. For "[his] stand on the death of Mr. Too", he reportedly received death threats from "powerful people [who] want to finish [him]".¹

The harassment appears to have been so severe and the threat to his safety so tangible that Simon Lilan felt compelled to go into hiding on January 9, 2017. When he came out of hiding on January 20, 2017, he explained that he went into hiding after being followed by two vehicles whose "occupants were not up to any good" and after receiving calls from senior politicians who wanted him to drop the case. The police reportedly did nothing when he turned to them for protection. Relatedly, when his office was burgled on January 17, 2017, the local police stated that their preliminary investigations showed no signs of a break-in.

While in hiding, Simon Lilan sought asylum from foreign embassies and civil rights organizations. His safety and security continue to be at risk.

The Law Society is concerned that the harassment of lawyer Simon Lilan is related to his human rights work.

¹ Lawyers' Rights Watch Canada, "Kenya: Immediately Investigate and Remedy Enforced Disappearance of Lawyer Simon Lilan | Letter" (14 January 2017), online: <http://www.lrwc.org/kenya-immediately-investigate-and-remedy-enforced-disappearance-of-lawyer-simon-lilan-letter/#_ftn2>.

The Law Society is deeply concerned about Simon Lilan's situation and urges Your Excellency to comply with Kenya's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Kenya to:

- a. put an end to all acts of harassment against Simon Lilan;
- b. guarantee in all circumstances the physical and psychological integrity of Simon Lilan; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Mr. John L. Lanyasunya
High Commissioner for the Republic of Kenya
415 Laurier Avenue East
Ottawa, Ontario
K1N 6R4
Email: ottawa@mfa.go.ke

Isaac Okero
President of the Law Society of Kenya
Law Society of Kenya
Lavington, Opposite Valley Arcade, Gitanga Road
P.O. Box 72219-00200
Nairobi, Kenya
Email: Iso@lsc.or.ke

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Harassment of lawyer Simon Lilan in Kenya

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Uhuru Kenyatta, the President of Kenya, expressing our deep concern over reports of the harassment of lawyer Simon Lilan.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuu Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Simon Lilan in Kenya

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Simon Lilan in Kenya.

It has come to the Law Society's attention that Kenyan lawyer Simon Lilan received death threats and experienced other forms of harassment as a result of his advocacy on behalf of the late Kenyan politician Mark Too.

According to reports, on the belief that his client Mark Too had been assassinated, Simon Lilan sought and obtained an injunction to halt Mr. Too's burial until Mr. Too's body had been examined by independent pathologists. When the injunction was subsequently revoked, Simon Lilan threatened to seek new orders to have the body exhumed. For "[his] stand on the death of Mr. Too", he reportedly received death threats from "powerful people [who] want to finish [him]".²

The harassment appears to have been so severe and the threat to his safety so tangible that Simon Lilan felt compelled to go into hiding on January 9, 2017. When he came out of hiding on January 20, 2017, he explained that he went into hiding after being followed by two vehicles whose "occupants were not up to any good" and after receiving calls from senior politicians who wanted him to drop the case. The police reportedly did nothing when he turned to them for protection. Relatedly, when his office was burgled on January 17, 2017, the local police stated that their preliminary investigations showed no signs of a break-in.³

While in hiding, Simon Lilan sought asylum from foreign embassies and civil rights organizations. His safety and security continue to be at risk.

The Law Society of Upper Canada strongly believes that lawyers should be able to carry out their duties without fear for their lives, liberty and security. In that regard, the Law Society urges the Government of Kenya to comply with Kenya's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

² Lawyers' Rights Watch Canada, "Kenya: Immediately Investigate and Remedy Enforced Disappearance of Lawyer Simon Lilan | Letter" (14 January 2017), online: <http://www.lrwc.org/kenya-immediately-investigate-and-remedy-enforced-disappearance-of-lawyer-simon-lilan-letter/#_ftn2>.

³ Lawyers' Rights Watch Canada, "Kenya: Immediately Investigate and Remedy Enforced Disappearance of Lawyer Simon Lilan | Letter" (14 January 2017), online: <http://www.lrwc.org/kenya-immediately-investigate-and-remedy-enforced-disappearance-of-lawyer-simon-lilan-letter/#_ftn2>.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Kenya to:

- a. put an end to all acts of harassment against Simon Lilan;
- b. guarantee in all circumstances the physical and psychological integrity of Simon Lilan; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.2

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

**VITAL NSHIMIRIMANA, ARMEL NIYONGERE, DIEUDONNÉ BASHIRAHISHIZE,
LAMBERT NIGARURA**

H.E. Pierre Nkurunziza
President of the Republic of Burundi
Office of the President
Boulevard de L'Uprona
Rohero I BP 1870
Bujumbura, Burundi

Your Excellency:

Re: Disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and suspension of lawyer Lambert Nigarura

I write on behalf of the Law Society of Upper Canada* to voice our deep concern over the disbarment/suspension of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura [I just changed the order for consistency.] are Burundian human rights lawyers who are openly critical of the Burundian government's human rights violations and have represented victims of such crimes before international courts.

It is our understanding that these four lawyers contributed to a report on human rights violations in Burundi and that this report was discussed during a session of the United Nations Committee Against Torture on July 28 and 29, 2016. Three of the four lawyers are said to have attended the session.

On July 29, 2016, the President of the Bar Association in Bujumbura, Burundi received a request from the Attorney General of the Court of Bujumbura, Burundi to disbar Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura. The lawyers were accused of non-compliance with professional ethics and several criminal offences, including "involvement in an insurrectionist movement" and an attempted coup. However, because no criminal case had been brought against the lawyers and no other justification for the requested disbarment existed, the President of the Bujumbura Bar Association, on September 27, 2016, decided to dismiss the Attorney General's request and refused to sanction the four lawyers.

This decision was appealed to the Bujumbura Court of Appeal and overturned on January 16, 2017. Consequently, Vital Nshimirimana, Armel Niyongere and Dieudonné Bashirahishize were disbarred from the Bujumbura Bar Association, while Lambert Nigarura was suspended for one year and excluded from the Council of Bujumbura Bar for five years.

We are troubled by the arbitrariness of these sanctions, especially in light of the fact that the trial itself was reportedly replete with procedural irregularities, one of which was the Court of Appeal's refusal to allow the lawyers to be represented by their counsel.

The Law Society of Upper Canada urges Your Excellency to comply with Burundi's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Burundi to:

- a. immediately and unconditionally reinstate the law licences of Vital Nshimirimana, Arnel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura;
- b. ensure that Vital Nshimirimana, Arnel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura can appeal their disbarment/suspension through an independent, impartial judicial proceeding that is open to the public and in which all rules regarding due process are respected;
- c. put an end to all acts of harassment against Vital Nshimirimana, Arnel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura, as well as all other human rights lawyers and defenders in Burundi; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Emmanuel Niyonzima
Ambassador
Embassy of Burundi in Ottawa
350 Albert Street, Office 410
Ottawa, Ontario
K1R 1A4
Email: ambabottawa@yahoo.ca

East Africa Law Society
House No: 6,
Corridor Area (Off Jandu Road)
Arusha, TANZANIA.
P. O. Box 6240
Fax: (+255 27) 254 3227
Email: info@ealawsociety.org

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and suspension of lawyer Lambert Nigarura in Burundi

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Pierre Nkurunziza, the President of the Republic of Burundi, expressing our deep concern over reports of the disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and the suspension of lawyer Lambert Nigarura.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekua Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers

- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses deep concern about the disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and suspension of lawyer Lambert Nigarura in Burundi

Toronto, ON — The Law Society of Upper Canada expresses deep concern about the disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and the suspension of lawyer Lambert Nigarura in Burundi.

Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana are Burundian human rights lawyers who are openly critical of the Burundian government's human rights violations and have represented victims of such crimes before international courts.

Recently, these four lawyers contributed to a report on human rights violations in Burundi. This report was discussed during a session of the United Nations Committee Against Torture on July 28 and 29, 2016. Three of the four lawyers attended the session.

On July 29, 2016, the President of the Bar Association in Bujumbura, Burundi received a request from the Attorney General of the Court of Bujumbura, Burundi to disbar Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana. The lawyers were accused of non-compliance with professional ethics and several criminal offences, including “involvement in an insurrectionist movement” and an attempted coup. However, because no criminal case had been brought against the lawyers and no other justification for the requested disbarment existed, the President of the Bujumbura Bar Association, on September 27, 2016, decided to dismiss the Attorney General's request and refused to sanction the four lawyers.

This decision was appealed to the Bujumbura Court of Appeal and overturned on January 16, 2017. Consequently, Vital Nshimirimana, Armel Niyongere and Dieudonné Bashirahishize were disbarred from the Bujumbura Bar Association, while Lambert Nigarura was suspended for one year and excluded from the Council of Bujumbura Bar for five years.

The Law Society is troubled by the arbitrariness of these sanctions, especially in light of the fact that the trial itself was reportedly replete with procedural irregularities, one of which was the Court of Appeal's refusal to allow the lawyers to be represented by their counsel.

The Law Society of Upper Canada urges the Government of Burundi to comply with Burundi's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Burundi to:

- a. immediately and unconditionally reinstate the law licences of Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura;
- b. ensure that Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize can appeal their disbarment and Lambert Nigarura can appeal his suspension through an independent, impartial judicial proceeding that is open to the public and in which all rules regarding due process are respected;
- c. put an end to all acts of harassment against Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura, as well as all other human rights lawyers and defenders in Burundi; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.3

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

SEHER ACAY, FEVZI ADSIZ, ZIYA BAĞI AND MAHMUT BİNGÖL

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06100 Ankara, Turkey
Fax: +90 312 468 5026
Email: cumhurbaskanligi@tccb.gov.tr

Your Excellency:

Re: Arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya BağI and Mahmut Bingöl

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya BağI and Mahmut Bingöl. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Seher Acay, Fevzi Adsiz, Ziya BağI and Mahmut Bingöl are all human rights lawyers and members of the Human Rights Association (“IHD”), a Turkish human rights non-governmental organization. They are also members of the Mesopotamia Lawyers Association (“MHD”), which was shut down pursuant to an emergency decree by the Turkish government on November 24, 2016.

The Law Society recently learned that on November 21, 2016, these four lawyers were arrested and taken to Mardin Police Headquarters pursuant to an arbitrary order issued by Public Prosecutor Vural Eker and that the four lawyers remain in detention. During their first five days in detention, they had no access to their lawyers. From thereon, their access to their lawyers was severely limited by the police. In addition, it is reported that the lawyers are being held with five other people in a cell designed for two people and that they have been denied medical check-ups.

As far as we understand it, the police have not yet taken the statements of the four detained lawyers or filed formal charges against them. There is speculation in the local press that their arrests and detentions may be linked to their activities as counsel for the city of Mardin, whose mayor was accused of being linked to the Kurdistan Workers’ Party (the “PKK”) and consequently taken into custody on November 21, 2016.

The Law Society is concerned that the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya BağI and Mahmut Bingöl are tied to their human rights work.

The Law Society of Upper Canada urges Your Excellency to comply with Turkey’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl;
- b. guarantee in all circumstances the physical and psychological integrity of Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl;
- c. ensure that any proceedings against Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl are carried out in full compliance with their right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl, as well as all other human rights lawyers and defenders in Turkey; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Mr. Selcuk Unal
Ambassador
197 Wurtemberg Street
Ottawa, Ontario
K1N 8L9
Fax: +1 (613) 789-3442
Email: embassy.ottawa@mfa.gov.tr

Azat Yildirim
President of the Mardin Bar Association
13 Mart Mahallesi İl Müftülüğü Arkası 48. Sokak No:8
Yenişehir/MARDİN
Fax: 0 482 212 18 76
Email: info@mardinbarosu.org.tr

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to Prime Minister Recep Tayyip Erdoğan, the Prime Minister of Turkey, expressing our deep concern over reports of the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Bağı and Mahmut Bingöl.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

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- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl in Turkey

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl in Turkey.

Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl are all human rights lawyers and members of the Human Rights Association (“IHD”), a Turkish human rights non-governmental organization. They are also members of the Mesopotamia Lawyers Association (“MHD”), which was shut down pursuant to an emergency decree by the Turkish government on November 24, 2016.

The Law Society recently learned that on November 21, 2016, these four lawyers were arrested and taken to Mardin Police Headquarters pursuant to an arbitrary order issued by Public Prosecutor Vural Eker and that the four lawyers remain in detention. During their first five days in detention, they had no access to their lawyers. From thereon, their access to their lawyers was severely limited by the police. In addition, it is reported that the lawyers are being held with five other people in a cell designed for two people and that they have been denied medical check-ups.

According to most recent reports, the police have not yet taken the statements of the four detained lawyers or filed formal charges against them. There is speculation in the local press that their arrests and detentions may be linked to their activities as counsel for the city of Mardin, whose mayor was accused of being linked to the Kurdistan Workers’ Party (the “PKK”) and consequently taken into custody on November 21, 2016.

The Law Society is concerned that the arrests and detentions of lawyers Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl are tied to their human rights work.

The Law Society of Upper Canada urges the Government of Turkey to comply with Turkey’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl;
- b. guarantee in all circumstances the physical and psychological integrity of Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl;
- c. provide Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl with regular access to their lawyers;
- d. ensure that any proceedings against Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl are carried out in full compliance with their right to a fair trial, as protected under international law;
- e. put an end to all acts of harassment against Seher Acay, Fevzi Adsiz, Ziya Baği and Mahmut Bingöl, as well as all other human rights lawyers and defenders in Turkey; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.4

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

BAKHROM KHAMROEV

His Excellency President Vladimir Putin
Office of the President of the Russian Federation
23 Ilyinka Street
Moscow, 103132, Russia

Your Excellency:

Re: Harassment of lawyer Bakhrom Khamroev

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the ongoing harassment of lawyer Bakhrom Khamroev. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Bakhrom Khamroev is a human rights lawyer and the head of Erdam, an organization that works to protect Central Asian migrant workers in Russia. He is known for representing persecuted Uzbekistani political refugees.

It has recently come to the Law Society's attention that on September 29, 2016, 20 armed officers from the Federal Security Service ("FSB") conducted an eight-hour raid on Bakhrom Khamroev's home in Moscow, confiscating various documents and technical equipment. He was detained and taken FSB headquarters where he was questioned about his political viewpoints and his knowledge of two Uzbekistanis who had been charged with terrorism for their alleged involvement in the Islamic political organization "Hizb ut-Tahrir". He was told he was now a witness in the case against the two Uzbekistanis. Bakhrom Khamroev had previously represented these two individuals on a separate matter. He was later released, but warned that he would be summoned for further questioning.

It is our understanding that Bakhrom Khamroev has been targeted in the past for his human rights work. Prior to the abovementioned incident, he had been convicted and sentenced to 1.5 years imprisonment on fabricated drug possession charges. He was later released on parole. Additionally, Bakhrom Khamroev has been attacked by both unknown assailants and FSB officers on five separate occasions. While criminal investigations were opened by the Russian authorities for some of the attacks, no suspects were ever identified or brought to justice.

The Law Society is concerned that the raid, the seizure of Bakhrom Khamroev's property and his detention and questioning are an attempt to intimidate him and prevent him from continuing to represent migrant workers and Uzbekistan citizens living in the Russian Federation.

The Law Society of Upper Canada urges Your Excellency to comply with Russia's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Russia to:

- a. put an end to all acts of harassment against Bakhrom Khamroev;
- b. to return to Bakhrom Khamroev the property confiscated from his residence by the Federal Security Service;
- c. guarantee in all circumstances the physical and psychological integrity of Bakhrom Khamroev; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Alexander N. Darchiev
Ambassador Extraordinary and Plenipotentiary of the Russian Federation to Canada
Embassy of the Russian Federation in Ottawa
285 Charlotte Street
Ottawa, Ontario
K1N 8L5
Fax: (613) 236-63-42
Email: info@rusembassy.ca

Federal Chamber of Lawyers of the Russian Federation
43 Sivtzer Vrashek Lane
119002
Moscow
Russian Federation
Tel: +7 495 787 2835
Email: info@advpalata.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Harassment of lawyer Bakhrom Khamroev

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Vladimir Putin, the President of the Russian Federation, expressing our deep concern over reports of the harassment of lawyer Bakhrom Khamroev.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the ongoing harassment of lawyer Bakhrom Khamroev in Russia

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the ongoing harassment of lawyer Bakhrom Khamroev in Russia.

Bakhrom Khamroev is a human rights lawyer and the head of Erdam, an organization that works to protect Central Asian migrant workers in Russia. He is known for representing persecuted Uzbekistani political refugees.

It has recently come to the Law Society's attention that on September 29, 2016, 20 armed officers from the Federal Security Service ("FSB") conducted an eight-hour raid on Bakhrom Khamroev's home in Moscow, confiscating various documents and technical equipment. He was detained and taken FSB headquarters where he was questioned about his political viewpoints and his knowledge of two Uzbekistanis who had been charged with terrorism for their alleged involvement in the Islamic political organization "Hizb ut-Tahrir". He was told he was now a witness in the case against the two Uzbekistanis. Bakhrom Khamroev had previously represented these two individuals on a separate matter. He was later released, but warned that he would be summoned for further questioning.

According to reports, Bakhrom Khamroev has been targeted in the past for his human rights work. Prior to the abovementioned incident, he had been convicted and sentenced to 1.5 years imprisonment on fabricated drug possession charges. He was later released on parole. Additionally, Bakhrom Khamroev has been attacked by both unknown assailants and FSB officers on five separate occasions. While criminal investigations were opened by the Russian authorities for some of the attacks, no suspects were ever identified or brought to justice.

The Law Society is concerned that the raid, the seizure of Bakhrom Khamroev's property and his detention and questioning are an attempt to intimidate him and prevent him from continuing to represent migrant workers and Uzbekistan citizens living in the Russian Federation.

The Law Society of Upper Canada urges the Government of Russia to comply with Russia's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Russia to:

- a. put an end to all acts of harassment against Bakhrom Khamroev;
- b. to return to Bakhrom Khamroev the property confiscated from his residence by the Federal Security Service;
- c. guarantee in all circumstances the physical and psychological integrity of Bakhrom Khamroev; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.5

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

ARLAN CASTAÑEDA

H.E. Mr. Rodrigo Duterte
President of the Republic of the Philippines
Malcañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, Manila
The Philippines

Your Excellency:

Re: Murder of lawyer Arlan Castañeda

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Arlan Castañeda and his security aide Melito Binag. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Arlan Castañeda was a Filipino lawyer and former town councillor. It is our understanding that on December 20, 2016, he and his security aide were leaving a local church in San Pablo, Isabela, after attending dawn mass when they were shot by gunmen on motorcycles. Arlan Castañeda died on the way to the hospital, while his aide died immediately.

Police believe that the shooting may have been related to Arlan Castañeda's legal work, as he had been handling controversial land dispute cases at the time of his death.

The Law Society is deeply troubled by Arlan Castañeda's assassination. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of Arlan Castañeda;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence, death or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
K1N 5M4
Fax: +1 613.233.4165
Email: embassyofphilippines@rogers.com

Rosario T. Setias-Reyes, National President
Integrated Bar of the Philippines
IBP Building, No.15 Doña Julia Vargas Avenue
Ortigas Center, Pasig City, Philippines 1600
Fax: +63 (02) 634-4697
Email: ibp_national@yahoo.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs

House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Murder of lawyer Arlan Castañeda in the Philippines

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Rodrigo Duterte, the President of the Republic of the Philippines, expressing our deep concern over reports of the murder of lawyer Arlan Castañeda and his security aide Melito Binag.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the murder of lawyer Arlan Castañeda in the Philippines

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the murder of lawyer Arlan Castañeda in the Philippines.

Arlan Castañeda was a Filipino lawyer and former town councillor. According to reports, on December 20, 2016, he and his security aide Melito Binag attended dawn mass at a local church in San Pablo, Isabela. As they were leaving the church, the two men were shot by gunmen on motorcycles. Arlan Castañeda died on the way to the hospital, while his aide died immediately.

Police believe that the shooting may have been related to Arlan Castañeda's legal work, as he had been handling controversial land dispute cases at the time of his death.

The Law Society is deeply troubled by Arlan Castañeda's assassination. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges the Government of the Philippines to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of Arlan Castañeda;

- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.6

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

ERIC IGA IGA

H.E. Ali Bongo Ondimba
President of the Republic of Gabon
Office of the President of the Republic of Gabon
BP 546 Libreville
GABON

Your Excellency:

Re: Harassment of lawyer Eric Iga Iga

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of lawyer Eric Iga Iga. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Eric Iga Iga is one of two lawyers who represented opposition leader Jean Ping before the Constitutional Court in September 2016 when Mr. Ping sought to challenge the results of the 2016 presidential election.

As we understand it, Eric Iga Iga vanished without explanation on December 8, 2016. Immediately prior to his disappearance, he reportedly told a colleague that a suspicious car was waiting at his house and that he was trying to find out more. Late that evening, men identifying themselves as members of the military police executed a search of his home in the presence of his children.

For several days thereafter, his family and colleagues remained without news from or of him. Then, on December 13, 2016, it was revealed that Eric Iga Iga had sought and found refuge with a foreign embassy in Libreville, Gabon.

Based on the above, it would appear that Eric Iga Iga has been harassed as a result of his legal work. His safety and security continue to be at risk.

The Law Society is deeply concerned about Eric Iga Iga's situation and urges Your Excellency to comply with Gabon's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Gabon to:

- a. put an end to all acts of harassment against Eric Iga Iga;
- b. guarantee in all circumstances the physical and psychological integrity of Eric Iga Iga; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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cc:

H.E. Sosthenes Ngokila
Embassy of Gabon in Canada
4 Range Road
PO Box 368
Ottawa, Ontario
K1N 8J5
Fax: (+1) 613-232-6916
Email: info@ambassadegabon.ca

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Harassment of lawyer Eric Iga Iga in Gabon

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Ali Bongo Ondimba, the President of the Republic of Gabon, expressing our deep concern over reports of the harassment of lawyer Eric Iga Iga.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Eric Iga Iga in Gabon

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Eric Iga Iga in Gabon.

Eric Iga Iga is one of two lawyers who represented opposition leader Jean Ping before the Constitutional Court in September 2016 when Mr. Ping sought to challenge the re-election of President Ali Bongo Ondimba.

According to reports, Eric Iga Iga vanished without explanation on December 8, 2016. Immediately prior to his disappearance, he reportedly told a colleague over that a suspicious car was waiting at his house and that he was trying to find out more. Late that evening, men identifying themselves as members of the military police executed a search of his home in the presence of his children.

For several days thereafter, his family and colleagues remained without news from or of him. Then, on December 13, 2016, it was revealed that Eric Iga Iga had sought and found refuge with a foreign embassy in Libreville, Gabon.

Based on the above, it would appear that Eric Iga Iga has been harassed as a result of his legal work. His safety and security continue to be at risk.

The Law Society is deeply concerned about Eric Iga Iga's situation and urges the Government of Gabon to comply with Gabon's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Gabon to:

- a. put an end to all acts of harassment against Eric Iga Iga;
- b. guarantee in all circumstances the physical and psychological integrity of Eric Iga Iga; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.7

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

MALEK ADLY

H.E. Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abedine Palace
Cairo, Arab Republic of Egypt

Your Excellency:

Re: Travel ban against lawyer Malek Adly

I write on behalf of the Law Society of Upper Canada* to voice our deep concern over the travel ban imposed against lawyer Malek Adly. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Malek Adly is a prominent human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights ("ECESR"). The ECESR seeks to promote and mobilize social movements to spread awareness for human rights. He is also one of the founders of the Front for Defending Egypt's Protesters, a group comprising of 34 human rights organizations and several lawyers which documents illegal practices carried out by state police forces against peaceful protesters.

It is the Law Society's understanding that on November 2, 2016, as he was preparing to board a flight to Paris at the Cairo International Airport, Malek Adly was accosted by a member of the Egyptian National Security, interrogated about the purpose of his travel and informed that he was under a travel ban. No reasons or explanations were given with respect to the travel ban.

It is also our understanding that this is not the first time that Malek Adly was targeted for his peaceful human rights activities. Sources indicate that he has been the target of judicial harassment and physical attacks by the Egyptian authorities since early March 2015, when he and approximately 100 other lawyers participated in an anti-torture protest in Cairo. Most recently, he was arrested and detained in solitary confinement from May 5 to August 25, 2016 after calling for a protest against Egyptian authorities on April 25, 2016. In relation to the April 25 protest he was charged with "*Attempting to overthrow the regime by force*" and "*Spreading false news and rumours which disturb the public order*". It should be noted that although the charges remain pending notwithstanding his release, no restrictions on travel were imposed as a condition of his release.

The Law Society is deeply concerned about the travel ban imposed against Malek Adly and urges Your Excellency to comply with Egypt's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients

freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Egypt to:

- a. immediately and unconditionally lift all restrictions on Malek Adly's freedom of movement;
- b. put an end to all acts of harassment against Malek Adly and all other human rights lawyers and defenders in Egypt;
- c. ensure that any proceedings against Malek Adly are carried out in full compliance with their right to a fair trial, as protected under international law;
- d. guarantee in all circumstances the physical and psychological integrity of Malek Adly; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Moataz Mounir Moharram Zahran
Ambassador of the Arab Republic of Egypt
454 Laurier Avenue East
Ottawa, Ontario
K1N 6R3
Fax: +1 (613) 234-9347 / 234-4398
Email: Egyptemb@sympatico.ca

Egyptian Bar Association
49A Ramses Street
Cairo, Egypt
Tel: +20 (2) 45 13 60

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Travel ban against lawyer Malek Adly in Egypt

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Abdel Fattah el-Sisi, the President of the Arab Republic of Egypt, expressing our deep concern over reports of the travel ban imposed against Malek Adly.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses deep concern about the travel ban against lawyer Malek Adly in Egypt

Toronto, ON — The Law Society of Upper Canada expresses deep concern about the travel ban against lawyer Malek Adly in Egypt.

Malek Adly is a prominent human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights (“ECESR”). The ECESR seeks to promote and mobilize social movements to spread awareness for human rights. He is also one of the founders of the Front for Defending Egypt’s Protesters, a group comprising of 34 human rights organizations and several lawyers which documents illegal practices carried out by state police forces against peaceful protesters.

According to reports, as he was preparing to board a flight to Paris at the Cairo International Airport on November 2, 2016, Malek Adly was accosted by a member of the Egyptian National Security, interrogated about the purpose of his travel and informed that he was under a travel ban. No reasons or explanations were given with respect to the travel ban.

This is not the first time that Malek Adly was targeted for his peaceful human rights activities. Sources indicate that he has been the target of judicial harassment and physical attacks by the Egyptian authorities since early March 2015, when he and approximately 100 other lawyers participated in an anti-torture protest in Cairo. Most recently, he was arrested and detained in solitary confinement from May 5 to August 25, 2016, after calling for a protest against Egyptian authorities on April 25, 2016. In relation to the April 25 protest he was charged with “*Attempting to overthrow the regime by force*” and “*Spreading false news and rumours which disturb the public order*”. It should be noted that although the charges remain pending notwithstanding his release, no restrictions on travel were imposed as a condition of his release.

The Law Society is deeply concerned about the travel ban imposed against Malek Adly and urges the Government of Egypt to comply with Egypt’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Egypt to:

- a. immediately and unconditionally lift all restrictions on Malek Adly's freedom of movement;
- b. put an end to all acts of harassment against Malek Adly and all other human rights lawyers and defenders in Egypt;
- c. ensure that any proceedings against Malek Adly are carried out in full compliance with their right to a fair trial, as protected under international law;
- d. guarantee in all circumstances the physical and psychological integrity of Malek Adly; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.8

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

NOEMI MENDEZ

H.E. Mr. Danilo Medina
President of the Dominican Republic
Avenida México,
Gazcue, Distrito Nacional,
Santo Domingo
República Dominicana

Your Excellency:

Re: Harassment of lawyer Noemi Mendez

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of lawyer Noemi Mendez. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Noemi Mendez is a prominent human rights lawyer known for her advocacy on behalf of migrant workers and Dominicans of Haitian descent. She has represented several individuals affected by the September 2013 judgment of the Constitutional Court which arbitrarily and retroactively deprived generations of people born and raised in the Dominican Republic of their Dominican nationality.

Upon the release of the aforementioned judgment, a number of human rights lawyers who criticized the decision were subjected to threats and other acts of intimidation. The situation has not improved since – human rights lawyers working to overturn the ruling are regularly targeted through smear campaigns, harassment on social media, criminalisation and violent attacks.

It is the Law Society's understanding that on December 12, 2016, Noemi Mendez arrived at work to find that the glass entrance door of her office in San Pedro de Macorís had been broken. No valuables appeared to have been taken and nothing seemed to be missing. That said, this damage to her property does not appear to be an isolated incident, as her car had been vandalized just a month prior.

The Law Society is deeply concerned about the harassment of Noemi Mendez and urges Your Excellency to comply with the Dominican Republic's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Dominican Republic to:

- a. put an end to all acts of harassment against Noemi Mendez and all other human rights lawyers and defenders in the Dominican Republic;
- b. ensure that a thorough, impartial, independent and fair investigation is conducted into the acts of intimidation against Noemi Mendez;
- c. guarantee in all circumstances the physical and psychological integrity of Noemi Mendez; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Héctor Virgilio Alcántara

Ambassador
130 Albert Street, Suite 1605
Ottawa, Ontario
K1P 5G4
Fax: (+1) (613) 569-8673
Email: info@drembassy.org

Colegio de Abogados de la República Dominicana
San Juan Bautista #136 esq. Cayetano Germosen.
Sector Atala, Distrito Nacional
Tel: 809-685-4029
Email: servicios@colegiodeabogados.org.do

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Harassment of lawyer Noemi Mendez in the Dominican Republic

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Danilo Medina, the President of the Dominican Republic, expressing our deep concern over reports of the harassment of lawyer Noemi Mendez.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Noemi Mendez in the Dominican Republic

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the harassment of lawyer Noemi Mendez in the Dominican Republic.

Noemi Mendez is a prominent human rights lawyer known for her advocacy on behalf of migrant workers and Dominicans of Haitian descent. She has represented several individuals affected by the September 2013 judgment of the Constitutional Court which arbitrarily and retroactively deprived generations of people born and raised in the Dominican Republic of their Dominican nationality.

Upon the release of the aforementioned judgment, a number of human rights lawyers who criticized the decision were subjected to threats and other acts of intimidation. The situation has not improved since – human rights lawyers working to overturn the ruling are regularly targeted through smear campaigns, harassment on social media, criminalisation and violent attacks.

According to reports, on December 12, 2016, Noemi Mendez arrived at work to find that the glass entrance door of her office in San Pedro de Macorís had been broken. No valuables appeared to have been taken and nothing seemed to be missing. That said, this damage to her property does not appear to be an isolated incident, as her car had been vandalized just a month prior.

The Law Society is deeply concerned about the harassment of Noemi Mendez and urges the Government of the Dominican Republic to comply with the Dominican Republic's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Dominican Republic to:

- a. put an end to all acts of harassment against Noemi Mendez and all other human rights lawyers and defenders in the Dominican Republic;
- b. ensure that a thorough, impartial, independent and fair investigation is conducted into the acts of intimidation against Noemi Mendez;
- c. guarantee in all circumstances the physical and psychological integrity of Noemi Mendez; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.9

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

LI JINXING

His Excellency Mr. Xi Jinping
President of the People's Republic of China
State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China

Your Excellency:

Re: Licence suspension of lawyer Li Jinxing

I write on behalf of the Law Society of Upper Canada* to voice our deep concern over the licence suspension of lawyer Li Jinxing. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Li Jinxing is a prominent human rights lawyer who is well known for his advocacy for civil liberties. He is also a founder of the Innocence Project of China, a collective of lawyers which has successfully fought to overturn several wrongful convictions in China in recent years.

It is the Law Society's understanding that in a notice dated December 2, 2016, the Justice Bureau in the provincial capital of Jinan stated that it was imposing a year-long suspension on Li Jinxing's law licence. According to the notice, the basis for the suspension was the unruly behaviour Li Jinxing displayed in court while defending Yang Maodong (aka Guo Feixiong), a free-speech activist who was sentenced to six years in prison in late 2015 on charges of disturbing the public order and "provoking trouble" after displaying banners which called on officials to disclose their assets. More specifically, the Justice Bureau claimed that Li Jinxing had made statements without the court's permission, interrupted a judge, verbally attacked court officials and interfered with the normal order of the court.

The Law Society is deeply concerned about Li Jinxing's situation and the harassment and intimidation of other lawyers and human rights defenders in China. Reports indicate that since July 2015, hundreds of lawyers and human rights defenders in China have been questioned, detained or charged as a result of their human rights work. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges Your Excellency to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or

be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of China to:

- a. immediately and unconditionally reinstate Li Jinxing's law licence;
- b. put an end to all acts of harassment against Li Jinxing and all other human rights lawyers and defenders in China;
- c. guarantee in all circumstances the physical and psychological integrity of Li Jinxing; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Ambassador Luo Zhaohui
Embassy of the People's Republic of China in Canada
515 St. Patrick Street
Ottawa, Ontario
K1N 5H3
Fax: (613) 789-1911
Email: chinaemb_ca@mfa.gov.cn

All China Lawyers Association
5th Floor Qinglan Mansion
No 24 Dongsì Shítiao
Dongsheng District
Beijing 100007, China
Tel: +86 (10) 6406 0212
Email: cilec@public.bta.net.cn

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Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Licence suspension of lawyer Li Jinxing in China

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Xi Jinping, the President of the People's Republic of China, expressing our deep concern over reports of the licence suspension of lawyer Li Jinxing.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

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- Kenneth Roth, Executive Director, Human Rights Watch
- Wang Junfeng, All China Lawyers Association
- Adrie van de Streek, Executive Director, Lawyers for Lawyers

- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
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- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses deep concern about the licence suspension of lawyer Li Jinxing in China

Toronto, ON — The Law Society of Upper Canada expresses deep concern about the licence suspension of lawyer Li Jinxing in China.

Li Jinxing is a prominent human rights lawyer who is well known for his advocacy for civil liberties. He is also a founder of the Innocence Project of China, a collective of lawyers which has successfully fought to overturn several wrongful convictions in China in recent years.

In a notice dated December 2, 2016, the Justice Bureau in the provincial capital of Jinan stated that it was imposing a year-long suspension on Li Jinxing's law licence. According to the notice, the basis for the suspension was the unruly behaviour Li Jinxing displayed in court while defending Yang Maodong (aka Guo Feixiong), a free-speech activist who was sentenced to six years in prison in late 2015 on charges of disturbing the public order and "provoking trouble" after displaying banners which called on officials to disclose their assets. More specifically, the Justice Bureau claimed that Li Jinxing had made statements without the court's permission, interrupted a judge, verbally attacked court officials and interfered with the normal order of the court.

The Law Society is deeply concerned about Li Jinxing's situation and the harassment and intimidation of other lawyers and human rights defenders in China. Reports indicate that since July 2015, hundreds of lawyers and human rights defenders in China have been questioned, detained or charged as a result of their human rights work. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges the Government of China to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of China to:

- a. immediately and unconditionally reinstate Li Jinxing's law licence;
- b. put an end to all acts of harassment against Li Jinxing and all other human rights lawyers and defenders in China;
- c. guarantee in all circumstances the physical and psychological integrity of Li Jinxing; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.10

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

MIR AHMED BIN QUASEM

His Excellency Abdul Hamid
President of the People's Republic of Bangladesh
President's Office
Bangabhaban, Dhaka

Your Excellency:

Re: Arrest and detention of lawyer Mir Ahmed Bin Quasem

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest and detention of lawyer Mir Ahmed Bin Quasem. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mir Ahmed Bin Quasem is a Bangladeshi human rights lawyer and a member of the Bar Council of England and Wales. He defended his father, Mir Quasem Ali, the leader of the opposition party Jamaat-e-Islami, against accusations of war crimes. Following a trial that was considered unfair by several international non-governmental organizations, Mir Quasem Ali was convicted in November 2014 and executed in September 2016.

It is the Law Society's understanding that Mir Ahmed Bin Quasem was arrested at his home and forcibly dragged into a waiting car by several men in civilian clothes on August 9, 2016. The men claimed to be members of the administration, but did not identify themselves as belonging to any specific branch of the security forces. They also refused to show an arrest warrant. Mir Ahmed Bin Quasem's wife and cousin were present at the time of the arrest. Human Rights Watch reports that in the weeks prior to his arrest, Mir Ahmed Bin Quasem was worried about his safety, but he did not want to leave the country because he wanted to support his family before his father's execution.

Although the Bangladeshi government has denied that it is holding Mir Ahmed Bin Quasem in custody, his family has learned that he was first held at the headquarters of the Rapid Action Battalion before being moved to the headquarters of the Detective Branch. The most recent reports indicate that the charges against Mir Ahmed Bin Quasem have not yet been disclosed to his family, he has not been produced before a magistrate as required by law, and he has not been allowed access to his family or lawyers.

The Law Society is deeply concerned about the arbitrary arrest and detention of Mir Ahmed Bin Quasem's. According to Human Rights Watch, Bangladeshi law enforcement authorities have a long history of politically motivated arrests and disappearances. In many cases, detainees are tortured or even killed. Moreover, we strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges Your Excellency to comply with Bangladesh's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Bangladesh to:

- a. immediately and unconditionally release Mir Ahmed Bin Quasem;
- b. to put an end to arbitrary, secret arrests and detentions;
- c. put an end to all acts of harassment against Mir Ahmed Bin Quasem and all other human rights lawyers and defenders in Bangladesh;
- d. guarantee in all circumstances the physical and psychological integrity of Mir Ahmed Bin Quasem; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Mizanur Rahman, High Commissioner of Bangladesh to Canada

Bangladesh High Commission
350 Sparks Street, Suite # 1100
Ottawa, Ontario
K1R 7S8
Fax: +1 613 567 3213
Email: bangla@rogers.com

National Bar Association of Bangladesh
Ibrahim Mansion
11 Purana Paltan (2nd Floor)
Dhaka 1000, Bangladesh
Tel: +880 (2) 955 9670

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Arrest and detention of lawyer Mir Ahmed Bin Quasem in Bangladesh

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Abdul Hamid, the President of the People's Republic of Bangladesh, expressing our deep concern over reports of the arrest and detention of lawyer Mir Ahmed Bin Quasem.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the arrest and detention of lawyer Mir Ahmed Bin Quasem in Bangladesh

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the arrest and detention of lawyer Mir Ahmed Bin Quasem in Bangladesh.

Mir Ahmed Bin Quasem is a Bangladeshi human rights lawyer and a member of the Bar Council of England and Wales. He defended his father, Mir Quasem Ali, the leader of the opposition party Jamaat-e-Islami, against accusations of war crimes. Following a trial that was considered unfair by several international non-governmental organizations, Mir Quasem Ali was convicted in November 2014 and executed in September 2016.

According to reports, Mir Ahmed Bin Quasem was arrested at his home and forcibly dragged into a waiting car by several men in civilian clothes on August 9, 2016. The men claimed to be members of the administration, but did not identify themselves as belonging to any specific branch of the security forces. They also refused to show an arrest warrant. Mir Ahmed Bin Quasem's wife and cousin were present at the time of the arrest. Human Rights Watch reports that in the weeks prior to his arrest, Mir Ahmed Bin Quasem was worried about his safety, but he did not want to leave the country because he wanted to support his family before his father's execution.

Although the Bangladeshi government has denied that it is holding Mir Ahmed Bin Quasem in custody, his family has learned that he was first held at the headquarters of the Rapid Action Battalion before being moved to the headquarters of the Detective Branch. The most recent reports indicate that the charges against Mir Ahmed Bin Quasem have not yet been disclosed to his family, he has not been produced before a magistrate as required by law, and he has not been allowed access to his family or lawyers.

The Law Society is deeply concerned about the arbitrary arrest and detention of Mir Ahmed Bin Quasem. According to Human Rights Watch, Bangladeshi law enforcement authorities have a long history of politically motivated arrests and disappearances. In many cases, detainees are tortured or even killed. Moreover, the Law Society strongly believes that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges the Government of Bangladesh to comply with Bangladesh's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Bangladesh to:

- a. immediately and unconditionally release Mir Ahmed Bin Quasem;
- b. put an end to all acts of harassment against Mir Ahmed Bin Quasem and all other human rights lawyers and defenders in Bangladesh;
- c. guarantee in all circumstances the physical and psychological integrity of Mir Ahmed Bin Quasem; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.11

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

DR. İŞTAR GÖZAYDIN

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06100 Ankara, Turkey
Fax: +90 312 468 5026
Email: cumhurbaskanligi@tccb.gov.tr

Your Excellency:

Re: Detention of Dr. İftar Gözaydin

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the detention of Dr. İftar Gözaydin. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Dr. İftar Gözaydin is a professor of law and politics and founder of the human rights NGO the Helsinki Citizens Assembly. She is known for her positions against capital punishment and mob violence in Turkey.

It has come to the Law Society's attention that Dr. İftar Gözaydin was taken into custody on December 20, 2016, and formally arrested on suspicion of "being a member of an armed terror organization" on December 28, 2016. The charge is based on the alleged testimony of a secret witness and an intelligence report. Reports indicate that she is currently being detained at Şakran Prison in İzmir Province.

It is our understanding that Dr. İftar Gözaydin was initially denied access to her lawyer and that when her lawyer was finally permitted to see her, he was barred access to the investigation file on her case. Additionally, to date, her husband has been refused permission to visit her.

While the investigation into Dr. İftar Gözaydin is based on allegations that she is connected to terrorist organizations, human rights groups believe that her detention is a form of retaliation for her human rights activities. As such, Dr. İftar Gözaydin's detention is arbitrary and constitutes harassment.

The Law Society of Upper Canada urges Your Excellency to comply with Turkey's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other

sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Dr. İřtar Gözaydın;
- b. guarantee in all circumstances the physical and psychological integrity of Dr. İřtar Gözaydın;
- c. provide Dr. İřtar Gözaydın with regular access to her lawyer;
- d. ensure that any proceedings against Dr. İřtar Gözaydın are carried out in full compliance with her right to a fair trial, as protected under international law;
- e. put an end to all acts of harassment against Dr. İřtar Gözaydın and all other human rights lawyers and defenders in Turkey; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Mr. Selcuk Unal
Ambassador
197 Wurtemberg Street
Ottawa, Ontario
K1N 8L9
Fax: +1 (613) 789-3442
Email: embassy.ottawa@mfa.gov.tr

Özdemir Sökmen
President of the Izmir Bar Association
İzmir Barosu Başkanlığı (Izmir Bar Association)
1456 Sokak, No: 14, Alsancak / İZMİR
Fax: +90 (232) 463 66 74
Email: info@izmirbarosu.org.tr

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Detention of Dr. İřtar Gözaydın

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to Prime Minister Recep Tayyip Erdoğan, the Prime Minister of Turkey, expressing our deep concern over reports of the detention of Dr. İřtar Gözaydın.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuu Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
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- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the detention of Dr. İřtar Gözaydın in Turkey

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the detention of Dr. İřtar Gözaydın in Turkey.

Dr. İřtar Gözaydın is a professor of law and politics and founder of the human rights NGO the Helsinki Citizens Assembly. She is known for her positions against capital punishment and mob violence in Turkey.

The Law Society recently learned that Dr. İřtar Gözaydın was taken into custody on December 20, 2016, and formally arrested on suspicion of “being a member of an armed terror organization” on December 28, 2016. The charge is based on the alleged testimony of a secret witness and an intelligence report. Reports indicate that she is currently being detained at řakran Prison in İzmır Province.

During her first days in detention, Dr. İřtar Gözaydın was denied proper access to her lawyer. Although her lawyer was eventually permitted to see her, he has been barred from accessing the investigation file on her case. Additionally, to date, her husband has been refused permission to visit her.

While the investigation into Dr. İřtar Gözaydın is based on allegations that she is connected to terrorist organizations, human rights groups believe that her detention is a form of retaliation for her human rights activities. As such, Dr. İřtar Gözaydın’s detention is arbitrary and constitutes harassment.

The Law Society of Upper Canada urges the Government of Turkey to comply with Turkey’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.

The Law Society urges the Government of Turkey to:

- a. immediately and unconditionally release Dr. İřtar Gözaydın;
- b. guarantee in all circumstances the physical and psychological integrity of Dr. İřtar Gözaydın;
- c. ensure that any proceedings against Dr. İřtar Gözaydın are carried out in full compliance with her right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Dr. İřtar Gözaydın and all other human rights lawyers and defenders in Turkey; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.12

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

JIANG TIANYONG

His Excellency Mr. Xi Jinping
President of the People's Republic of China
State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China

Your Excellency:

Re: Detention of lawyer Jiang Tianyong

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the detention of lawyer Jiang Tianyong. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Jiang Tianyong is a human rights activist and former lawyer who is well known for his advocacy on behalf of Falun Gong practitioners, Tibetan protesters, and fellow human rights lawyers.

As the Law Society understands the situation, Jiang Tianyong disappeared on November 21, 2016. His last communication with the outside world was a text message to his wife, informing her that he had boarded a train in Changsha (where he had met the wife and lawyers of Xie Yang, a human rights lawyer currently detained at Changsha City Detention Centre) and was due back in Beijing the next morning. After he failed to show up at the train station and remained unresponsive to attempts to reach him, his family and lawyer reported his disappearance to the police. The police, however, refused to file a missing persons report.

On December 16, 2016, Chinese authorities finally confirmed that Jiang Tianyong had been detained (for nine days, his lawyer later learned) at a police station in Changsha for allegedly using fake identification to buy his train ticket. The police also accused him of "illegally possessing documents classified as State secrets" and "illegally disseminating State secrets to overseas [sources]", political charges frequently levelled against dissidents and activists to secure prosecution and conviction.

Then, on December 23, 2016, authorities informed Jiang Tianyong's family that he had been put under residential surveillance at an undisclosed location on suspicion of "inciting subversion of State power". On December 29, 2016, his lawyer's request to visit him was refused. Additionally, since his arrest, several members of Jiang Tianyong's family have been harassed by the police.

Human rights organisations fear that Jiang Tianyong's disappearance and detention may be directly linked to his human rights activities, including a meeting he had with United Nations officials in August 2016. There is also concern that he may be at risk of torture.

This is not the first time that Jiang Tianyong has been harassed by authorities as a result of his human rights work. He had been detained and brutally beaten by the police and state security officers on multiple occasions. Moreover, for defending or supporting high-profile human rights defenders, such as rights lawyer Gao Zhisheng and legal advocate Chen Guangcheng, Jiang Tianyong was disbarred in 2009. Since then, he has taken an active role in organizing Chinese human rights lawyers to provide legal counsel to victims of human rights abuses and criticized authorities' violations of human rights..

The Law Society of Upper Canada is deeply concerned about Jiang Tianyong's situation. Reports indicate that since July 2015, hundreds of lawyers and human rights defenders in China have been questioned, detained or charged as a result of their human rights work. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges Your Excellency to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of China to:

- a. immediately and unconditionally release Jiang Tianyong;
- b. guarantee in all circumstances the physical and psychological integrity of Jiang Tianyong;
- c. ensure that any proceedings against Jiang Tianyong are carried out in full compliance with his right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Jiang Tianyong and all other human rights lawyers and defenders in China; and

- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

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The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Ambassador Luo Zhaohui
Embassy of the People's Republic of China in Canada
515 St. Patrick Street
Ottawa, Ontario
K1N 5H3
Fax: (613) 789-1911
Email: chinaemb_ca@mfa.gov.cn

All China Lawyers Association
5th Floor Qinglan Mansion
No 24 Dongsì Shitiao
Dongsheng District
Beijing 100007, China
Tel: +86 (10) 6406 0212
Email: cilec@public.bta.net.cn

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

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Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Detention of Lawyer Jiang Tianyong of China

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to His Excellency Mr. Xi Jinping, the President of the People's Republic of China, expressing our deep concern over reports of the detention of Jiang Tianyong.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
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- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the detention of lawyer Jiang Tianyong in China

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the detention of lawyer Jiang Tianyong in China.

Jiang Tianyong is a Chinese human rights activist and former lawyer who is well known for his advocacy on behalf of Falun Gong practitioners, Tibetan protesters, and fellow human rights lawyers.

The Law Society recently learned that Jiang Tianyong disappeared on November 21, 2016. His last communication with the outside world was a text message to his wife, informing her that he had boarded a train in Changsha (where he had met the wife and lawyers of Xie Yang, a human rights lawyer currently detained at Changsha City Detention Centre) and was due back in Beijing the next morning. After he failed to show up at the train station and remained unresponsive to attempts to reach him, his family and lawyer reported his disappearance to the police. The police, however, refused to file a missing persons report.

On December 16, 2016, Chinese authorities finally confirmed that Jiang Tianyong had been detained (for nine days, his lawyer later learned) at a police station in Changsha for allegedly using fake identification to buy his train ticket. The police also accused him of “illegally possessing documents classified as State secrets” and “illegally disseminating State secrets to overseas [sources]”, political charges frequently levelled against dissidents and activists to secure prosecution and conviction.

On December 23, 2016, authorities informed Jiang Tianyong’s family that he had been put under residential surveillance at an undisclosed location on suspicion of “inciting subversion of State power”. On December 29, 2016, his lawyer’s request to visit him was refused. Additionally, since his arrest, several members of Jiang Tianyong’s family have been harassed by the police.

Human rights organizations fear that Jiang Tianyong’s disappearance and detention may be directly linked to his human rights activities, including a meeting he had with United Nations officials in August 2016. There is also concern that he may be at risk of torture.

This is not the first time that Jiang Tianyong has been harassed by authorities as a result of his human rights work. He had been detained and brutally beaten by the police and state security officers on multiple occasions. Moreover, for defending or supporting high-profile human rights defenders, such as rights lawyer Gao Zhisheng and legal advocate Chen Guangcheng, Jiang Tianyong was disbarred in 2009. Since then, he has taken an active role in organizing Chinese human rights lawyers to provide legal counsel to victims of human rights abuses and criticized authorities’ violations of human rights.

The Law Society of Upper Canada is deeply concerned about Jiang Tianyong’s situation. Reports indicate that since July 2015, hundreds of lawyers and human rights defenders in China have been questioned, detained or charged as a result of their human rights work. The Law Society strongly believes that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges the Government of China to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of China to:

- a. immediately and unconditionally release Jiang Tianyong;
- b. guarantee in all circumstances the physical and psychological integrity of Jiang Tianyong;
- c. ensure that any proceedings against Jiang Tianyong are carried out in full compliance with his right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Jiang Tianyong and all other human rights lawyers and defenders in China; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.2.13

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

U KO NI

H.E. Htin Kyaw
President of the Republic of the Union of Myanmar
President's Office
Nay Pyi Taw
Myanmar

Your Excellency:

Re: Murder of lawyer U Ko Ni

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer U Ko Ni. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

U Ko Ni was a prominent human rights lawyer and legal adviser to the National League for Democracy, the ruling party in Myanmar. One of the most prominent Muslims in Buddhist-majority Myanmar, he was known for promoting religious harmony and supporting constitutional reform. He authored six books on human rights issues and democratic elections, and was also a founding senior member of the Independent Lawyers' Association of Myanmar.

The Law Society recently learned that on January 29, 2017, U Ko Ni was shot at close range in the head by a gunman as he was preparing to leave Yangon International Airport. He had just returned from a government-organized visit to Indonesia where he and approximately 20 other Burmese government officials and civic leaders discussed democracy and conflict resolution. A taxi driver who tried to apprehend the gunman as he attempted to flee the scene was also shot and later died in hospital. A number of other taxi drivers were successful in stopping and detaining the gunman until the police arrived.

The shooter has been identified as 53-year-old Kyi Lin, a professional hitman. Another man, Myint Swe, has also been arrested. According to leaked police documents, Myint Swe allegedly hired Kyi Lin back in December 2016 to assassinate U Ko Ni. The two men had reportedly known each other since a September 2016 meeting in Mae Sot, Thailand.

It is our understanding that the motive behind the murder is currently unknown. That being said, according to his daughter, U Ko Ni was "often threatened" because he had spoken out against the continuing influence of the military on politics. In fact, according to one of U Ko Ni's colleagues, U Ko Ni had been working on a new draft of Myanmar's Constitution, one that would strip the military of its extraordinary political powers, and had hoped to promote it at a conference this month.

That the Burmese military may have had a hand in orchestrating the assassination is further supported by the fact that the murder weapon was a Myanmar Army-manufactured pistol that was somehow acquired by the gunman notwithstanding that civilian firearm sales have been prohibited for decades in Myanmar. Additionally, some have wondered as to how the attacker could have carried out the killing in a public place that is among the country's most secure.

U Ko Ni's daughter also stated that his religion may have been a contributing factor. Last year, U Ko Ni helped found the Myanmar Muslim Lawyers' Association and spoke of the need to stand up for the rights of Muslim citizens. These actions may have made him some powerful enemies, especially in light of the fact that anti-Muslim sentiment is high in Myanmar and there is significant public support for a military operation in Rakhine State, which is home to thousands of Rohingya Muslims.

The Law Society is deeply troubled by U Ko Ni's assassination. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with Myanmar's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Myanmar to:

- a. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of U Ko Ni;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. U Kyaw Myo Htut
Ambassador
Embassy of the Republic of the Union of Myanmar
336 Island Park Drive
Ottawa, Ontario
K1Y 0A7
Email: meottawa@rogers.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

Aung San Suu Kyi
National League for Democracy
No. 97/B Shwegondaing Road
Bahan
Yangon Region
Myanmar

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Murder of lawyer U Ko Ni in Myanmar

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to President Htin Kyaw, the President of the Republic of the Union of Myanmar, expressing our deep concern over reports of the murder of U Ko Ni.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekuia Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada

- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concern about the murder of lawyer U Ko Ni in Myanmar

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the murder of lawyer U Ko Ni in Myanmar.

U Ko Ni was a prominent human rights lawyer and legal adviser to the National League for Democracy, the ruling party in Myanmar. One of the most prominent Muslims in Buddhist-majority Myanmar, he was known for promoting religious harmony and supporting constitutional reform. He authored six books on human rights issues and democratic elections, and was also a founding senior member of the Independent Lawyers' Association of Myanmar.

The Law Society recently learned that on January 29, 2017, U Ko Ni was shot at close range in the head by a gunman as he was preparing to leave Yangon International Airport. He had just returned from a government-organized visit to Indonesia where he and approximately 20 other Burmese government officials and civic leaders discussed democracy and conflict resolution. A taxi driver who tried to apprehend the gunman as he attempted to flee the scene was also shot and later died in hospital. A number of other taxi drivers were successful in stopping and detaining the gunman until the police arrived.

The shooter has been identified as 53-year-old Kyi Lin, a professional hitman. Another man, Myint Swe, has also been arrested. According to leaked police documents, Myint Swe allegedly hired Kyi Lin back in December 2016 to assassinate U Ko Ni. The two men had reportedly known each other since a September 2016 meeting in Mae Sot, Thailand.

The motive behind the murder is currently unknown. That being said, according to his daughter, U Ko Ni was "often threatened" because he had spoken out against the continuing influence of the military on politics. In fact, according to one of U Ko Ni's colleagues, U Ko Ni had been working on a new draft of Myanmar's Constitution, one that would strip the military of its extraordinary political powers, and had hoped to promote it at a conference this month.

That the Burmese military may have had a hand in orchestrating the assassination is further supported by the fact that the murder weapon was a Myanmar Army-manufactured pistol that was somehow acquired by the gunman notwithstanding that civilian firearm sales have been prohibited for decades in Myanmar. Additionally, some have wondered as to how the attacker could have carried out the killing in a public place that is among the country's most secure.

U Ko Ni's daughter also stated that his religion may have been a contributing factor. Last year, U Ko Ni helped found the Myanmar Muslim Lawyers' Association and spoke of the need to stand up for the rights of Muslim citizens. These actions may have made him some powerful enemies, especially in light of the fact that anti-Muslim sentiment is high in Myanmar and there is significant public support for a military operation in Rakhine State, which is home to thousands of Rohingya Muslims.

The Law Society is deeply troubled by U Ko Ni's assassination. It strongly believes that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges the government of Myanmar to comply with Myanmar's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Myanmar to:

- a. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of U Ko Ni;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 7.3.1

FOR INFORMATION

CHANGE OF STATUS REPORT

1. In 2008, the Retention of Women in Private Practice Working Group of the Law Society of Upper Canada (the "Law Society") conducted a series of consultations to better understand gender differences in private practice.
2. The Final Consultation Report of the Retention of Women in Private Practice Working Group put forth a series of recommendations to promote the advancement of women in the private practice of law.
3. Recommendation 2 reads as follows: "That the Law Society, in collaboration with legal associations where appropriate, provide direct support to women in large and medium firms through programs such as a leadership and professional development institute and on-line resources, as described in the report." Under Recommendation 2, the Retention of Women in Private Practice final report refers to a "change of status survey", suggesting that such an initiative would provide up-to-date information about factors that lead to changes in career paths and keep track of reasons behind status changes.
4. In order to better understand and begin benchmarking movements and changes among women in the legal profession, the Law Society commissioned The Strategic Counsel to undertake a longitudinal study that surveys lawyer licensees who filed a Notice of Change of Status.
5. In 2013, the findings from three waves of research data (i.e., data collected in 2010, 2011 and 2012) were published and intended to inform the Law Society's understanding as regards gender-related trends in the legal profession as well as its efforts to develop initiatives to support and retain women and men in the profession.
6. In 2015, Navigator Limited was commissioned to continue this research using three new waves of research data (from 2013, 2014 and 2015).
7. The *Change of Status Research 2013-2015: Report of Key Findings* (the "Report") presents the findings of the survey conducted on lawyer licensees who changed their status in 2013, 2014, and 2015. The report is available at the following link:
[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Members2/7.3.1.1%20LSC%2011_2013-2016_REPORT_F%20\(updated%20Jan%202017\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Members2/7.3.1.1%20LSC%2011_2013-2016_REPORT_F%20(updated%20Jan%202017).pdf).
8. Over the three-year period, a total of 16,940 change of status notices were filed with the Law Society by lawyer licensees.
9. Overall, those who reported a change of status between 2013 and 2015 were younger and more likely to be women. More specifically, over 50% of licensees who filed a change of status notice were under the age of 40, at least 50% were called to the bar

less than 10 years ago, and 60% were women. The representation of women among change of status filers has remained consistent year over year since 2010.

10. Of the total number of change of status notices filed between 2013 and 2015, 18% related to maternity/parental leave and 9% to retirement. Given that the primary objective of the survey was to examine changes of status as they relate to practice setting, the data attributed to maternity/parental leave or retirement was excluded from most of the analysis. This approach was determined in consultation with the Law Society's Equity Advisory Group and was also implemented in the 2010-2012 research. Accordingly, the remainder of this summary excludes data collected from licensees whose change of status resulted from retirement or a move in/out of maternity/parental leave.
11. The 2013-2015 findings indicate that female licensees are more likely than their male counterparts to report a change of status that is not related to retirement or maternity/parental leave: 55% of those who reported a change of status unrelated to retirement or maternity/parental leave were women.
12. Licensees (both male and female) who file a change of status are increasingly likely to do so from a private practice position. A majority of those who were in private practice prior to their change of status remained in private practice after the change. Further, compared to the 2010-2012 findings, the proportion that remained in private practice following a change of status appears to have increased (from 57% to 62%).
13. That being said, there continues to be movement away from private practice among those who file a change of status notice. In 2013-2015, 57% of licensees who reported a change of status started out in private practice. However, only 50% remained in private practice subsequent to their change of status, a 7-point decline.
14. As was the case in 2010-2012, the departure from private practice was largely seen in larger (more than 50 lawyers) and small to medium-sized (2-50 lawyers) firms. By contrast, there was a small increase in the proportion of licensees who were in sole practice after their change of status. Also consistent with the 2010-2012 results, the greatest proportion of those who reported holding a non-private practice position, either prior to or following their change of status, worked for the government or a public agency.
15. As noted above, licensees were less likely to remain in private practice following a change of status. This decline was evident among both men and women. That being said, the decline was significantly greater among women (-7 points from 52% to 45%) than it was among men (-5 points from 62% to 57%). Accordingly, the private practice retention rate (i.e., the proportion who were in private practice after a change of status divided by the proportion in private practice prior to the change of status) was lower for women than it was for men (0.87 and 0.92, respectively).

16. A demographic comparison of those who remained in private practice with those who moved into a non-private practice setting unveiled notable differences. Among those who left private practice for a non-private practice position in 2013-2015, 57% were women while 67% were under the age of 40. In contrast, among those who remained in private practice, men and women were equally represented (50% each) and 55% were under 40 years old. These same trends were evident in the 2010-2012 study.
17. The composition of those who moved into a non-private practice setting was heavily skewed toward licensees who had been practising for less than 5 years (48%). This stands in contrast to those who remained in private practice, where only 34% had been practising less than 5 years.
18. The combination of the foregoing and the findings discussed below suggest that women are leaving private practice early in their careers and at a significantly higher rate than men.
19. The 2013-2015 data suggests that women who are changing status tend to be younger and at the life stage period in which there are no dependant children in the household. It was found that 57% of women who reported a change in status were called to the bar within the previous 10 years. Further, almost half (49%) of women who changed their status were under 45 years of age with no dependants in the household. In comparison, 51% of men who reported a change in status were called within the previous 10 years and 41% were under 45 years of age with no dependants.
20. Women called to the bar less than 5 years ago were almost as likely as their male counterparts to be in private practice prior to their change of status (58% of women, 61% of men). However, these women were less likely to remain in private practice after changing their status than men (52% of women compared to 57% of men). The rate of private practice retention among these women was 0.90, whereas that among men was slightly higher at 0.93.
21. The retention rate gap between men and women appears to widen for those called to the bar 6-9 years ago. Among female licensees called 6-9 years ago, 62% were in private practice prior to their change of status and 52% were in private practice after their change of status, a decline of 10 points. As for their male counterparts, the decline was smaller – from 66% to 62%. Accordingly, the private practice retention rate among this cohort was noticeably lower for women (0.84) than it was for men (0.94).
22. It is noteworthy that in 2013-2015, across all year-of-call groups, women were more likely than men to no longer be practising law after a change of status.
23. The private practice retention rate of women under 45 years of age with no dependants was low. 56% of women in this cohort started in private practice, but only 47% remained in private practice after their change of status, resulting in a private practice retention rate of 0.84. Among men, the gap was much smaller (58% to 55%) and the retention rate significantly higher (0.95).

24. The retention rate for women dropped to 0.81 among those with dependants under the age of 6 in the household. Among men, the rate was higher at 0.88. The private practice retention rate increased for women with dependants in the household once the youngest dependant was 6-12 years of age; in fact, it was somewhat higher than it was for their male counterparts (0.94 versus 0.89). At the stage of life when the youngest dependant in the household was 13 years of age or older, the retention rate among women became positive (1.35).
25. Regardless of which life stage cohort was being examined, women were more likely than men to have moved to a position where they were no longer practising law.
26. On the whole (i.e., irrespective of gender and type of status change (those who stayed in private practice vs. those who moved from private practice to a non-private practice/non-law position), when asked to identify the key factors that influenced their decision to change their status or position, the factors that were most frequently cited by licensees were related to “opportunities in a new position” (e.g., better quality of work, use of skills, job security, work environment) or “requirement to leave a position” (e.g., termination, end of contract, change in ownership of firm). To a lesser extent, work-life balance issues (e.g., work/family balance; better hours / control over hours / better control of schedule / flexible work schedule; reduction in stress / burn out at job) were also identified by licensees as having prompted their change of status. That being said, there were some differences in how these factors were reported by different groups of licensees.
27. Licensees who remained in private practice most often cited opportunities in a new position (34%) or the requirement to leave a previous position (32%) as the reasons for their change of status. Work-life balance ranked fourth among this group (17%).
28. Among those who moved from a private to non-private practice position, opportunities in a new position dominated the reasons given for the change of status (55%), while reasons related to work-life balance were second most frequent (38%).
29. Among those who left the practice of law, the requirement to leave a position (33%) and work-life balance issues (33%) were the main factors driving the change of status.
30. As can be seen, although reasons related to practice opportunities were most frequently cited by those who remained in private practice as well as those who switched to a non-private practice position, the two groups nevertheless differed on the importance that they attached to work-life balance issues. Among those who remained in private practice, only 17% mentioned work-life balance as a reason for their change of status. By contrast, 38% of those who moved into non-private practice mentioned this issue. It is important to note, however, that since the 2010-2012 survey, work-life balance appears to have diminished in importance among licensees who moved out of private practice into non-private practice.

31. In terms of gender differences, women were less likely than men (28% versus 36%) to cite opportunities at a new position as a reason for their change of status. Rather, women were significantly more likely than men (24% and 13%, respectively) to identify work-life balance issues as prompting their change of status.
32. Focusing specifically on women who were in private practice prior to their change in status, the reasons most frequently given for explaining the move out of private practice into a non-private practice position or out of the practice of law altogether were in relation to work-life balance (43% and 42%, respectively). Among women who remained in private practice, only 22% cited these reasons.
33. Relatedly, women who ceased to practise law from a private practice position were more than twice as likely as their male counterparts (42% and 19%, respectively – a 23-point difference) to identify work-life balance as a key factor in their decision. While women who stayed in private practice and those who moved to a non-private practice position were also more likely than men to identify work-life balance as a driver of change, the differences were smaller (10 points and 13 points, respectively).
34. In support of the above findings, both the 2010-2012 and 2013-2015 studies found that women who remained in private practice were significantly more likely than their male counterparts to identify the following issues as important in their decision to change status while remaining in private practice:
 1. “the job allows me to balance career and family”;
 2. “the current position offers flexible full-time work hour”;
 3. “my current position offers part-time work”; and
 4. “there is paid maternity or parental leave”.
35. Similarly, women who moved from private to non-private practice settings were significantly more likely than their male counterparts to cite “the job allows me to balance career and family” and “my job is less stressful” as important factors in their change of status decision. Thus, the common thread among women, regardless of whether they remained in private practice or moved to a non-private practice setting, was their tendency to give greater consideration to scheduling issues and accommodation for family in changing their status.
36. An examination of the groups of women who had the lowest private practice retention rates suggests that their changes of status were less likely to be have been motivated by professional opportunities and more likely to stem from other factors. For instance, among women under 45 years of age with no dependants in the household, the reasons most often cited for their change of status were the end of a position or the requirement to leave a position. Meanwhile, among women who had a dependant under 6 years of age in the household, work-life balance issues dominated the reasons given to explain their change of status. Moreover, among women who were called to the bar 5-9 years ago, work-life balance issues were the single most frequently mentioned set of reasons for their change of status.

37. The 2013-2015 results suggest that female licensees are more likely than their male counterparts to seek positions which offer benefits/policies that support work-life balance and childcare, regardless of the type of change of status. For instance, the 2013-2015 findings revealed that while the availability of flexible work options was a significant factor in the change of status among both women and men, it was more so the case among women. Similarly, the availability of childcare benefits appeared to be a much stronger factor for women than it was for men. Thus, the research suggests that the availability of flexible work options and parental leave are key factors in a change of status among women, to a significantly greater degree than among men.
38. The advantages associated with a move from one private practice setting to another appear to be distinct from those associated with a move from private to non-private practice. More specifically, both men and women who remained in private practice generally believed that practice opportunities improved with their change of status. Meanwhile, those who moved from a private to non-private practice setting believed that their current position, compared to their previous position, offers better job security, benefits and work-life balance.
39. Women who remained in private practice were more likely than women who moved into a non-private practice setting to agree that their current position provides them with the following practice opportunities: "allows me to use my talents/legal skills"; "the freedom to decide what I do in my job"; and "control the scheduling".
40. In contrast, women who moved from private practice to a non-private practice setting were much more likely than those who stayed in private practice to agree that their new position offers the following characteristics: "the benefits are good"; "job security is good"; and "job allows me to balance career and family". Further, women who moved into a non-private practice setting were much less likely than women who remained in private practice to believe that their current position, compared to their previous position, has the following job characteristics: "workload is too heavy"; and "job is very stressful".
41. In conclusion, women lawyers who are changing status tend to be disproportionately younger and to have no dependants in their households. The rate of private practice retention among women in this cohort was lower than that of men in the same cohort. This means that women are leaving private practice at an early stage in their careers. There is evidence which suggests that they may not be returning to private practice as they progress through their careers. The 2013-2015 results also confirm that women are leaving private practice to a greater extent than men in order to find work environments that provide flexible work arrangements and childcare benefits, allowing them a better work-life balance and balance between family and profession.

TAB 7.3.2

FOR INFORMATION

**FACILITATING INTERNATIONAL ACCESS TO JUSTICE
THROUGH INTERVENTION -
HUMAN RIGHTS MONITORING GROUP REPORT**

*"Nothing is more important than justice and the just society. It is essential to flourishing of men, women and children and to maintaining social stability and security. You need only open your newspaper to the international section to read about countries where the rule of law does not prevail, where the justice system is failing or non-existent."*¹

— Right Honourable Beverley McLachlin, P.C.
Chief Justice Supreme Court of Canada

1. Basic human rights cannot be guaranteed by law in the absence of the rule of law. They are interdependent and bound together by justice. Safeguarding these rights requires vigilant advocates both at home and abroad. Only through an independent legal profession where lawyers and judges perform their legitimate professional duties without undue or illegal interference can human rights and the rule of law prevail.
2. Unfortunately, lawyers and judges around the world working to uphold the rule of law and defend human rights work under threat of not only professional sanctions, but also threats to personal safety. Yet they continue their work to ensure that members of their communities can access justice and advance their legal rights in the hopes that those rights might prevail.
3. The Law Society has a duty to maintain and advance the cause of justice and the rule of law. Central to advancing both the cause of justice and the rule of law is ensuring access to justice for all.
4. The *Law Society Act*² requires the Law Society to facilitate access to justice for Ontarians. However, the Law Society's commitment to access to justice issues is not limited solely to the province of Ontario; it extends to the international community.
5. The *Facilitating International Access to Justice Through Intervention* report provides an overview of the work of the Human Rights Monitoring Group (the "Monitoring Group") over the years from an access to justice perspective. This is accomplished by outlining

¹ Right Honourable Beverley McLachlin, P.C., "The Challenges We Face" (Speech delivered at the Empire Club of Canada, Toronto, 8 March 2007), online: <<http://www.scc-csc.gc.ca/court-cour/judges-juges/spe-dis/bm-2007-03-08-eng.aspx>>.

² *Law Society Act*, RSO 1990, c L8

the types of clients served by the lawyers on whose behalf the Monitoring Group has intervened. Lawyers who are persecuted by authorities are often advocates for human rights. Such lawyers also represent vulnerable clients who have no alternative means of accessing legal services.

6. Judges are also included the report. Often, presiding judges who are persecuted in the course of their duties focus on facilitating access to justice by advocating for an independent judiciary and promoting the rule of law.
7. The report is divided as follows:
 - a. The mandate of the Monitoring Group;
 - b. The United Nations' focus on access to justice;
 - c. An overview of access to justice trends globally in relation to the Law Society's interventions;
 - d. International human rights advocates expanding access to justice; and
 - e. The response to the Law Society's interventions.
8. The full report can be found at: <http://www.lsuc.on.ca/with.aspx?id=622>.
9. A list of the Monitoring Group's more than 150 interventions on behalf of members of the legal profession and the judiciary from September 2007 to January 2016 is presented at **TAB 7.3.2.1**. This list also includes information about the type of clients these members of the legal profession have served.

Convocation - Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
Algeria	· Amine Sihoum Abderramane and Hassiba Boumerdesi	Feb-07	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Argentina	· Alberto Nisman	Apr-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Azerbaijan	· Elchin Sadigov	Jan-17	Clients Involved in Politically Charged Cases
Azerbaijan	· Intigam Aliyev	Oct-14	Clients Involved in Politically Charged Cases
Bahrain	· Taimoor Karimi	Jul-16	Clients Involved in Politically Charged Cases
Bahrain	· Mohamed Issa Al Tajer	Sep-12	Clients Involved in Politically Charged Cases
Bahrain	· Mohamed Issa Al Tajer	May-11	Clients Involved in Politically Charged Cases
Bangladesh	· Adilur Rahman Khan	Dec-15	Clients Involved in Politically Charged Cases
Belarus	· Emanuel Zeltser	Jun-08	Clients Involved in Politically Charged Cases
Brazil	· Threats against Brazilian judges	Nov-11	Challenging Corruption
China	· Xia Lin	Dec-16	Clients Involved in Politically Charged Cases
China	· Ni Yulan	Jun-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Zhang Kai	May-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Shu Xiangxin	Mar-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Wang Qiushi	Mar-16	Clients Involved in Politically Charged Cases
China	· Pu Zhiqiang	Feb-16	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
China	· Large group of human rights lawyers	Jul-15	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Pu Zhiqiang	Sep-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
China	· Tang Jingling	Sep-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Gao Zhisheng	Apr-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Xu Zhiyong	Feb-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
China	· Ni Yulan	Sep-13	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Guo Feixiong (aka Yang Maodong)	Jan-09	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
China	· Lawyers Providing Legal Aid	Nov-08	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Human Rights Violations against Lawyers	Apr-08	Clients Involved in Politically Charged Cases
China	· Human Rights Violations against Lawyers	Oct-07	Clients Involved in Politically Charged Cases
China	· Gao Zhisheng	May-07	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
China	· Chen Guagcheng	Oct-06	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.

Convocation - Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
China	· Gao Zhisheng	Oct-06	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Colombia	· Yessika Hoyos and other members of the José Alvear Restrepo Lawyer	Sep-16	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Colombia	· José Humberto Torres	May-12	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Colombia	· William Cristancho Duarte	Jan-11	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Colombia	· Justice Diego Fernando Escobar Munera	Jun-10	Promoting the Rule of Law
Congo	· Jean Kisumbule Muteba	Jul-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Congo	· Jean-Claude Mubalama and Charles Cubaka	Jun-08	Clients Involved in Politically Charged Cases
Congo	· Marie-Thérèse Nlandu Mpolo-Nene	Feb-07	Clients Involved in Politically Charged Cases
Egypt	· Negad El-Borai	Jul-16	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Egypt	· Karim Hamdy	Nov-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Egypt	· Mahienour El-Massry	Jul-15	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Egypt	· Azza Soliman	Jun-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Egypt	· Yara Sallam	Nov-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Egypt	· Mahienour El-Massry	Jun-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Egypt	· Hisham Bastawissi and Ashraf El-Baroudi	Mar-08	Advocating for Judicial Independence
Equatorial Guinea	· Fabián Nsue Nguema	Nov-12	Advocating for Prisoners of Conscience
Greece	· Electra Koutra	Jan-17	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Guatemala	· Ramón Cadena Rámila	Dec-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Guatemala	· Iris Yassmin Barrios Aguilar	Jun-14	Challenging Corruption
Guatemala	· Justice Baltasar Garzon	Apr-12	Challenging Corruption
Haiti	· André Michel	Nov-13	
Haiti	· Mario Joseph, Newton St. Juste and André Michel	Oct-12	Clients Involved in Politically Charged Cases
Honduras	· Antonio Trejo Cabrera	Nov-12	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Honduras	· Lawyers at Association for a More Just Society	Jan-11	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Honduras	· Dionisio Diaz Garcia	Feb-07	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
India	· Shalini Gera and Isha Khandelwal	Feb-16	Clients Involved in Politically Charged Cases
India	· Noor Mohammad, Muhammad Shoab, Zayfarayab Jilani and A M Farid	Nov-08	Clients Involved in Politically Charged Cases

Convocation - Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
India	· Leitanthem Umakanta Meitei	Nov-06	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Indonesia	· Alldo Fellix Januardy	Jun-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Indonesia	· Tigor Gempita Hutapea and Obed Sakti Andre Dominika	May-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Indonesia	· Gustaf Kawer	Nov-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Narges Mohammadi	Dec-15	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Narges Mohammadi	Feb-15	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Nasrin Sotoudeh	Dec-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Hadi Esmaeilzadeh	Jun-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Farshid Yadollahi and Imprisoned Human Rights Lawyers	Apr-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Nasrin Sotoudeh	Oct-13	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Iran's Endangered Lawyers	Nov-11	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Shadi Sadr	Feb-11	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Maryam Karbasi, Maryam Kianersi and Sara (Hajar) Sabaghian	Jan-11	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Houtan Kian	Nov-10	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Nasrin Sotoudeh	Sep-10	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Shirin Ebadi	Jun-08	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Iran	· Abdolfattah Soltani	Feb-07	Advocating for Prisoners of Conscience
Iran	· Nasser Zarafshan	Feb-07	Clients Involved in Politically Charged Cases
Iran	· Saleh Kamrani	Feb-07	Advocating for Prisoners of Conscience
Kazakhstan	· Ermek Narymbaev	Dec-15	Clients Involved in Politically Charged Cases
Kenya	· Willie Kimani	Aug-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Kenya	· Haroun Ndubi	Mar-08	Clients Involved in Politically Charged Cases
Kyrgyzstan	· Valerian Vakhitov and Khusanbay Saliev	Jul-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Kyrgyzstan	· Tahir Asanov	Nov-10	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Lesotho	· Christopher Lephuthing, Haee Phoofole, Khotso Nthontho, Koili Ndebe	Mar-16	Clients Involved in Politically Charged Cases

Convocation - Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
Libya	· Salwa Bugaighis	Aug-14	Clients Involved in Politically Charged Cases
Malaysia	· N Surendran	Aug-16	Clients Involved in Politically Charged Cases
Malaysia	· Charles Hector, Francis Pereira, Karen Cheah Yee Lynn and Shanmugar	May-16	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Malaysia	· N Surendran	Nov-14	Clients Involved in Politically Charged Cases
Malaysia	· Karpal Singh	Apr-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Malaysia	· Hindraf Lawyers	Jun-08	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Maldives	· Mahfooz Saeed	Dec-15	Clients Involved in Politically Charged Cases
Myanmar	· Khin Khin Kyaw	Jan-16	Clients Involved in Politically Charged Cases
Myanmar	· Saw Kyaw Kyaw Min	Sep-12	Clients Involved in Politically Charged Cases
Myanmar	· Disbarred Lawyers	Apr-12	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Myanmar	· Nyi Niy Htwe, Saw Kyaw Kyaw Min, U Aung Thein and U Khin Maung S	Jan-09	Clients Involved in Politically Charged Cases
Nauru	· Peter Law and Geoffrey Eames	Feb-14	Advocating for Judicial Independence
Nepal	· Jitman Basnet	Oct-07	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Nigeria	· Lawyers Providing Legal Services to LGBTI clients	Feb-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Pakistan	· Bilal Anwar Kasi and Lawyers in Pakistan	Aug-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Pakistan	· Samiullah Afridi	May-15	Clients Involved in Politically Charged Cases
Pakistan	· Rashid Rehman	Jun-14	Advocating for Prisoners of Conscience
Pakistan	· Chaudhry Zulfiqar Ali	Jul-13	Clients Involved in Politically Charged Cases
Pakistan	· Asma Jahangir	Jul-12	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Peru	· Francisco Soberon	Jun-08	Clients Involved in Politically Charged Cases
Philippines	· Maria Catherine Dannug-Salucon	Jun-14	Clients Involved in Politically Charged Cases
Russia	· Vitaliy Moiseyev and Tatiana Akimtseva	Feb-15	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Russia	· Sapiyat Magomedova	Jul-13	Clients Involved in Politically Charged Cases
Russia	· Sapiyat Magomedova	Apr-12	Clients Involved in Politically Charged Cases
Russia	· Sapiyat Magomedova	Nov-10	Clients Involved in Politically Charged Cases
Saudi Arabia	· Waleed Abu Al-Khair	Mar-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Saudi Arabia	· Abdulrahman Al Rumaih, Abdulrahman Al Subaihi and Bander Alnogaitf	Dec-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Saudi Arabia	· Waleed Abu Al-Khair	Oct-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Saudi Arabia	· Abdul Rahaman al-Lahem	Jan-08	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Sri Lanka	· Dr. Nimalka Fernando	Feb-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations

Convocation - Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
Sri Lanka	· Madam Justice Shirani Bandaranayake	Jan-13	Advocating for Judicial Independence
Sudan	· Nabeel Adib Abdallah	Jul-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Sudan	· Abdullah Abdelkader	Dec-15	Promoting the Rule of Law
Sudan	· Dr. Amin Mekki Medani	Feb-15	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Sudan	· Adam Sharief	Nov-13	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Sudan	· Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaall	May-06	Clients Involved in Politically Charged Cases
Swaziland	· Thulani Rudolf Maseko	Apr-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Syria	· Khalil Ma'touq	Jan-16	Advocating for Prisoners of Conscience
Syria	· Razan Zaitouneh	Jan-16	Clients Involved in Politically Charged Cases
Syria	· Radeef Moustafa	Jan-11	Clients Involved in Politically Charged Cases
Syria	· Muhannad al-Hassani	Feb-10	Clients Involved in Politically Charged Cases
Syria	· Haytham al-Maleh	Jan-10	Clients Involved in Politically Charged Cases
Syria	· Anwar al-Bunni	Mar-08	Advocating for Prisoners of Conscience
Syria	· Anwar al-Bunni	Nov-06	Advocating for Prisoners of Conscience
Tajikistan	· Buzurgmehr Yorov	Jan-17	Clients Involved in Politically Charged Cases
Tajikistan	· Nuriddin Makhkamov	Jan-17	Clients Involved in Politically Charged Cases
Tajikistan	· Jamshed Yorov	Dec-16	Clients Involved in Politically Charged Cases
Tajikistan	· Buzurgmehr Yorov	Feb-16	Clients Involved in Politically Charged Cases
Tajikistan	· Sukhrat Kudratov	Mar-15	Clients Involved in Politically Charged Cases
Thailand	· Sirikan Charoensiri	May-16	Clients Involved in Politically Charged Cases
Thailand	· Robert Amsterdam	Aug-11	Clients Involved in Politically Charged Cases
Tunisia	· Mohammed Abbou	Oct-06	Clients Involved in Politically Charged Cases
Turkey	· Levent Piskin	Jan-17	Clients Involved in Politically Charged Cases
Turkey	· Lawyers and Judges in Turkey	Jul-16	Clients Involved in Politically Charged Cases
Turkey	· Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Ç	May-16	Clients Involved in Politically Charged Cases
Turkey	· Muharrem Erbey	Jun-14	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Turkey	· Ramazan Demir	Apr-14	Clients Involved in Politically Charged Cases
Turkey	· Lawyers Denouncing Repression	Jun-13	Clients Involved in Politically Charged Cases
Turkey	· Lawyers Protesting	Feb-13	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Turkey	· Lawyers Working on Human Rights Cases	Feb-13	Clients Involved in Politically Charged Cases
Turkey	· Lawyers Defending Kurdish Minority	Oct-12	Clients Involved in Politically Charged Cases
Turkey	· Tahir Elçi	Nov-11	Clients Involved in Politically Charged Cases
Turkey	· Filiz Kalayci	Feb-10	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Uganda	· Lawyers Challenging Uganda's Anti-Homosexuality Bill	Feb-14	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Ukraine	· Yuri Grabovski	May-16	Clients Involved in Politically Charged Cases
United Arab Emirates	· Human Rights Lawyers Speaking Out	Jul-13	Clients Involved in Politically Charged Cases

Country	Name of Lawyer or Judge	Date	Type of Client(s)/Issues
United Arab Emirates	· Dr. Mohamed 'Abdullah al-Roken, Dr. Mohamed al-Mansoori and Sale	Sep-12	Clients Involved in Politically Charged Cases
Venezuela	· Juan Carlos Gutiérrez	Jul-16	Clients Involved in Politically Charged Cases
Venezuela	· Justice Maria Lourdes Afiuni	Jul-13	Promoting the Rule of Law
Venezuela	· Justice Maria Lourdes Afiuni	Jan-12	Promoting the Rule of Law
Venezuela	· Justice Maria Lourdes Afiuni	Jun-10	Promoting the Rule of Law
Venezuela	· Daniel Wilkinson	Nov-08	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Vietnam	· Nguyen Van Dai	Feb-16	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Vietnam	· Tran Thu Nam and Le Luan	Feb-16	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Vietnam	· Le Quoc Quan	Feb-13	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Vietnam	· Nguyen Van Dai and Le Thi Cong Nhan	Aug-07	Challenging Government Actions on Behalf of Groups or Human Rights Organisations
Vietnam	· Bui Thi Kim Thanh	Feb-07	Clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.
Zimbabwe	· Arnold Tsunga	Jul-13	Clients Involved in Politically Charged Cases
Zimbabwe	· Beatrice Mtetwa	Apr-13	Clients Involved in Politically Charged Cases

TAB 7.3.3

FOR INFORMATION

**EQUITY LEGAL EDUCATION AND RULE OF LAW
SERIES CALENDAR**

WINTER 2017

Black History Month Program

Tuesday, February 28, 2017

From Activism to Legislation: Black Heroes of the Canadian Civil Rights Movement — How Far Have We Come?

Join the Canadian Association of Black Lawyers (CABL) and the Law Society of Upper Canada for their annual Black History Month program. As a tribute to Viola Desmond and other Black civil rights activists, past and present, this year's program will feature an interactive panel which will focus on the legislative history of the Ontario *Human Rights Code*, highlighting those individuals key to its introduction and progress; and the amendments to the legislation over time. The panel will also look back on the history of Black civil rights activism within Canada and address whether and how activism has changed over time and what legal tools are available today to activate continued progress to combat racism and racial discrimination.

Panel Discussion: 5:30 – 7:15 p.m.*

Reception: 7:15 – 8:30 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

*This program is also available as a live webcast.

Additional information and a registration link are available here:

www.lawsocietygazette.ca/event/black-history-month-2017

International Women's Day Program

Thursday, March 9, 2017

The prevalence of misogynist and discriminatory language and action in the recent U.S. election campaign reminds us that feminism remains necessary and relevant. The onslaught faced by Hillary Clinton and other women during this campaign is only one example. Canadian women in public life have faced similar abuse.

Join The Law Society, the Barbra Schlifer Commemorative Clinic, the Women's Legal Education and Action Fund (LEAF), the Women's Law Association of Ontario, and the Women Lawyers Forum of the OBA for a panel discussion about the challenges facing women running for, or serving in elected office in Canada. The discussion will explore the barriers women face when running for elected office, or engaging in grassroots activism, and why more do not rise to the highest political positions.

Panel discussion: 5:00 p.m. to 6:30 p.m.*

Reception: 6:30 p.m. to 7:30 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

*This program is also available as a live webcast.

Additional information and a registration link are available here:

www.lawsocietygazette.ca/event/iwd-2017/

Coming in Spring/Summer 2017:

- Holocaust Remembrance Day Program – April 2017
- Asian and South Asian Heritage Month Program – May 2017
- National Access Awareness Week Program – June 2017
- Celebration of Indigenous Peoples Event – June 2017
- Pride Week Program – June 2017
- And more...

Additional information about these programs will be posted here:

www.lawsocietygazette.ca/events/